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House of Representatives

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Mr. TONKO).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 19, 2009.

I hereby appoint the Honorable PAUL TONKO to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2009, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

HONORING ARMY SPECIALIST JEREMIAH P. MCCLEERY

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. MCCLINTOCK) for 5 minutes.

Mr. MCCLINTOCK. Mr. Speaker, I rise today with the sad duty of recognizing the death in combat of Army Specialist Jeremiah P. McCleery, age 24, of Portola, California.

Mr. Speaker, if you read the observations of his friends, you very quickly realize this was not only an irreplaceable loss to his family and a monumental loss to his community, but it was also a terrible loss for our country.

Miah, as he was known, was simply a good kid. He made friends easily, he had a great sense of humor, and he had wanted to join the Army since he was 4 years old. He was an exemplary soldier who commanded the friendship and respect of his colleagues. He had fallen in love with a girl at Fort Hood before he shipped out, with their whole lives ahead of them.

A friend of his, Josh Rodgers, was asked when Miah McCleery was happiest, and the answer was, "doing anything with his dad." They had lost his mother, Collette, to cancer a few years ago. His father, Joe, worked at a refuse collection company and later at a sheet metal business, and Miah was often at his side.

That same friend was asked why Jeremiah had enlisted. The response, "he always wanted to when he was a kid. He probably just wanted to out of patriotic duty to go serve. And I think he wanted to go do his part."

The question first asked by Jim Michener thunders across the countryside with a loss like this: "Where do we get such men?" Mr. Speaker, I don't know how to offer condolences to Miah McCleery's family, to his father, Joe, to his sisters, Lynette and Chastity, and to his grandparents and many friends. The loss they bear is beyond my comprehension.

I can only offer my awe and gratitude that humanity has within itself a small band of brothers like Jeremiah McCleery who stepped forward not for treasure or profit nor even to defend their own freedom. But rather, to win the freedom of a people half a world away. And they do it because their country asks and because it is virtuous and noble.

A few feet from here in the Capitol Rotunda is a fresco called the "Apotheosis of Washington." It depicts General Washington, in uniform, ascending to the heavens, flanked by victory and freedom, and surrounded by the essence

and fruits of a free Nation. And in that depiction, Washington beckons.

From little towns like Portola, California, decent young men and women with promising futures, like Jeremiah McCleery, have answered. And I don't know where we get such men, and I don't know how their families can bear it. But I do know what we owe them. And I do know that we can never repay that debt, except to honor their memory and keep their sacrifice always in mind, those who gave up everything "to proclaim liberty throughout all the land, and unto all the inhabitants thereof."

HONORING AND REMEMBERING LES SARNOFF

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. This is an era where new media and communication devices are seemingly created overnight. Was it only 3 years ago that YouTube bounced on the scene? It seems like it was last week that we first heard about Twitter.

Well, the first and most influential of the "new media" still plays a large role in our lives. Radio captures that magic in part because of the radio personalities who captivated us with their distinctive voices and wit, made larger than life by how much was left to our imagination in terms of the production and even what they looked like. William Conrad was the radio voice of Gunsmoke's marshal, Matt Dillon, who was played on TV by actor James Arness, 6 foot 6, tall and rangy with craggy good looks. William Conrad, the radio voice, sounded that way, but he was short and rotund. And while he looked distinctive, few would confuse him with a matinee idol. From Fred Alan, Jack Benny and Edward R. Murrow to Scott Simon, Garrison Keillor

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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today, these people play an important role not just in a communication and entertainment medium, but in the lives of Americans.

In much of the commercial radio wasteland today, where content is centralized and digitized, while costs are cut, local personalities, who played such a profound role in virtually every community, are more and more a distant memory.

In my hometown of Portland, Oregon, we are still blessed with a few distinctive local voices. But sadly last month, we lost one who can only be described as an icon. For decades Les Sarnoff was the most distinctive personality in what started as an idiosyncratic, offbeat and obscure FM station. He helped it grow into a major commercial success and a Portland fixture. The characteristics that made him such a well respected professional and beloved local figure helped him rise above and survive the turmoil in the industry, the often destructive changes, to brighten the mornings of tens of thousands of my neighbors every day for the better part of three decades.

Les was a dedicated and disciplined professional, arising shortly after midnight every weekday to spend hours in preparation before his morning shift. He was a step ahead of legitimate trends in music, but with a profound respect for both music and artists that was timeless. He had a rapport and a chemistry with not only his audience, but the outstanding people that were part of his morning team over the years. Despite a demanding schedule and brutal hours, Les always made time to be part of public events and public affairs.

Now, media and people in politics need for, professional and ethical reasons, to maintain a certain distance. That is far more important to a media personality like Les, than for a politician like me. And observe that distance he did, but always with a sense that I was a friend, with a sense of interest and awareness whenever I would visit him in the station or more often do a telephone interview from our Nation's Capitol or an occasional lunch or interaction at a civic event. But it was not Les Sarnoff letting his guard down. It was Les revealing that at core he liked, understood and respected everyone. He was curious, funny and caring. Even in his passing, Les brought our community together as thousands gathered last Sunday to honor his memory in Portland's Pioneer Square, our City's front yard. By reflecting on his life, we reflect on ours.

To his wife Rita, Les' many friends and colleagues, because of his love for and work with you, we have all been touched. We will never be the same without Les, but also, we will never be the same because of Les Sarnoff.

WORLD HEPATITIS DAY

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. TOWNS) for 5 minutes.

Mr. TOWNS. Mr. Speaker, today, May 19, marks the second annual World Hepatitis Day, when the need for greater public awareness towards prevention and treatment of this silent killer is recognized internationally.

Hepatitis is a prime example of an issue that must be addressed now, as Congress and the administration work together to create a sustainable health care system for future generations.

Of those infected with viral hepatitis C, more than three-quarters are unaware of their infection, making the long-term consequences of HCV infection, including cirrhosis of the liver and liver cancer, a greater, greater danger.

A study about HCV released just yesterday by Milliman Incorporated, one of the Nation's most respected firms, tells a troubling story. They are saying that over the next 20 years, medical costs for patients with HCV infections are expected to increase from \$30 billion in 2009 to over \$85 billion in 2024.

Chronic viral hepatitis is a leading cause of primary liver cancer, one of the fastest growing cancers, which significantly impacts 6 million Americans and has a 5-year survival rate. The minority population will be disproportionately affected. Hepatitis C is twice as common among African Americans as among whites.

As a Member of the United States House of Representatives, I will continue to support increased funding towards public education, early detection, testing and counseling for patients. We cannot afford to be silent about this disease any longer. We must speak out and take action. That is what we need to do to curtail this very, very serious problem.

THE DROUGHT CRISIS IN SAN JOAQUIN VALLEY

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. COSTA) for 5 minutes.

Mr. COSTA. Mr. Speaker, I rise today to bring attention to a drought crisis that is affecting California's San Joaquin Valley. Three years of below-average rainfall have created tremendous hardships in valley communities that are the backbone of California's agriculture economy. We have heard time and time again about the deep, deep financial impacts affecting all regions of our country. But in places like Detroit and in places like the San Joaquin Valley, where you have 30 and 40 percent unemployment, it is no longer a deep recession, but it is a depression.

Farmers and farm workers in the San Joaquin Valley grow over 350 different crops, employing tens of thousands of people and providing half the Nation's fruits and vegetables. It is number one in the dairy industry and a host of

other important agricultural commodities that are not subsidized, that don't use subsidized water, that, in fact, are critical to healthy diets for Americans and provide a tremendous balance of payments on our trade efforts abroad.

Sadly, though, three critical years of drought shortage have had a devastating effect on communities in the San Joaquin Valley and in my district. My district and Congressman CARDOZA's district are at ground zero where we have communities that have 30 and 40 percent unemployment, communities that have 10 and 12,000 people, 30,000 people, 50,000 people. When one-third of the people in your community don't have jobs, it is a depression.

Today, clearly, our environmental regulations are not working. We have an inability to move water around California.

□ 1045

We know that, if this drought lasts a fourth and fifth year, Katy, bar the door.

These are food lines in communities in my district. The irony is that these are some of the hardest working people you will ever meet. Normally, they would be working in fields, working in processing facilities, putting food on America's dinner plates. Sadly, they're in food lines. How horrific in America. Many of my colleagues for the last 4 months, 5 months have been working to try to bring attention to our State representatives, to our Governor and, here, to our President and to the new administration in town because we know, in California, like other parts of the country, droughts and floods are cyclical.

This photograph is an almond orchard that has been pulled out because of a lack of water. So, to that degree, Congressman CARDOZA and I, in January, began meeting with the new administration, laying out a host of administrative efforts that we thought, with flexibility, could allow us to move water around from parts of the State that have water. We have met with Secretary Salazar and his staff, with the Mid-Pacific Region and their staff time and time again and with the Governor and his director of water resources, and we have brought to the attention of the President and of his White House staff the fact that they should come to the valley and see firsthand the devastating impacts.

We need to have flexibility during times of drought. Clearly, people are as important as the other environmental balances and trade-offs that are there. If the Environmental Species Act were working, we would not have a decline in the fisheries that have taken place over the last two decades. So we are working on short-term efforts to try to deal with the current situation in the event that this drought lasts a fourth or a fifth or a sixth year.

The last drought we had in California lasted 6 years, from 1988 to 1993. I predict to my colleagues that if, in fact,

this drought lasts a fourth or a fifth year, California will be rationing water in southern California and in the Bay Area, and we will see a horrific set of circumstances affecting our State.

So it is time to act now, both with the short-term remedies as well as with the long-term remedies. We need to try to do everything we can to plan for the next year in the event that this drought continues. We need to provide flexibility at the Federal and State pumps to move water around, to make water banks work, and yes, in the long term, we need to fix the plumbing system in the delta.

California has 38 million people. By the year 2030, it is estimated we will have 50 million people. We have a water system designed for 20 million people. It cannot work. So, with a larger coalition of the Latino Water Caucus, we marched on water in April. We are going to continue to march. We are going to continue to try to seek out our colleagues who want to constructively help us with the administration to understand that both short-term and long-term investments in California infrastructure are critical if we are going to solve this problem.

This is a forerunner of what's occurring, not just here in California but around the world. Water is the lifeblood of man's ability to produce food and fiber. The problems we are having in California today are happening around the world. We need to act today.

VETERANS COMMUNICATION IMPROVEMENT ACT

The SPEAKER pro tempore. The Chair recognizes the gentleman from New Mexico (Mr. HEINRICH) for 5 minutes.

Mr. HEINRICH. Thank you, Mr. Speaker.

I rise today to introduce the Veterans Communication Improvement Act. This bill will provide for a smoother transition for servicemembers moving to veteran status, and it will help facilitate the communication between all veterans and veterans' services.

Currently, when a servicemember concludes his service to our country, he fills out a form known as the DD-214. This form is essentially a compilation of a member's time in the military. It includes awards and medals and other pertinent service information such as promotions, combat service or service overseas. The DD-214 also contains information needed to verify military service for benefits, retirement, employment, and membership in veterans' organizations, which makes it one of the most important documents in the military.

As to be expected, the DD-214 contains the current physical address and phone number of the veteran, but there is no place on the form for a veteran to include his or her e-mail as the best way to be contacted. Far too often,

however, when servicemembers return home from active duty or if a veteran has simply moved to a new home, they lose contact with the Department of Veterans Affairs. This bill will enable one more avenue of communication, an e-mail address, to be included on each servicemember's DD-214 form.

For many veterans, particularly for our youngest veterans returning from Iraq and Afghanistan, a personal e-mail address is the most common and efficient way to communicate with them. In utilizing modern e-mail technology, this legislation will make great strides in expediting the delivery of benefits that our country's veterans unquestionably deserve. These brave Americans and their families have made immeasurable sacrifices to our Nation's well-being. I am honored to sponsor this legislation, and I urge my colleagues to support it.

REGIONAL IMPACTS OF CLEAN ENERGY LEGISLATION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. CONNOLLY) for 5 minutes.

Mr. CONNOLLY of Virginia. I thank the Speaker.

Today, I rise as a southern Congressman to discuss the regional impacts, Mr. Speaker, on clean energy legislation and on a renewable electricity standard in particular.

We have heard that it is impossible to have a national renewable electricity standard, because different States have different renewable energy resources, and that the southeastern United States, in particular, would be unable to meet targets established by the renewable electricity standard in the draft American Clean Energy and Security Act now being considered by the Energy and Commerce Committee of this body.

I represent a State in which there is not a single utility-scale renewable generation facility. The Virginia General Assembly has not enacted a mandatory renewable electricity standard, so we have failed to create market certainty for firms that would invest in renewable energy otherwise. In contrast, New Jersey has 44 megawatts of grid-connected solar capacity, fueled in part by a 22.5 percent renewable electricity standard with solar set aside. New Jersey has more than twice as much grid-connected solar energy generation than the total for all States without a renewable electricity standard, including Virginia, even though it has less solar exposure than any State in the Southeast. What we have witnessed in the Southeast is not a lack of natural resources but, perhaps, a lack of political will.

Since we are in the midst of the most severe economic contraction since the Great Depression, the clean energy jobs legislation before us represents not an academic debate but, rather, an opportunity to spur economic growth and to reduce greenhouse gas pollution based

in successful policies that have been enacted at home and abroad.

Just as more than half of our States have enacted successful renewable electricity standards, so too have other nations. Germany, for example, has a lower solar exposure than almost all of the United States, and yet it is the world's leader in renewable energy, as documented in a recent article in the National Journal. In the last decade, the number of Germans employed in the renewable energy sector has grown from 30,000 to 280,000. Germany has installed 22,247 megawatts of wind energy and 3,811 megawatts of solar photovoltaic. Strong mandatory incentives for renewable energy have fueled this jobs boom in Germany.

The number of coal mining jobs in the United States has fallen by 50 percent in the last three decades, principally due to mechanization. Those coal jobs disappeared from States like Virginia and West Virginia, which lack incentives for renewable energy. In Germany, on the other hand, the number of coal mining jobs also has fallen, but the number of renewable energy jobs created has more than offset the lost jobs by a factor of five. Unfortunately, many U.S. companies, like First Solar, have built factories in Germany rather than here in America because Germany had requirements for renewable energy production.

The minority claims that a clean energy bill will result in net job losses, but in reality, we are losing jobs right now because we do not have a stronger clean energy policy. We cannot cling to antiquated modes of energy production that are hemorrhaging jobs and then expect to achieve, much less expedite, an economic recovery here at home. If we are to drive economic growth, we must invest in innovation and in job creation, not in exhausted resources and outmoded systems of production.

Here in the South, where we have not benefited from strong renewable energy incentives, we need a national renewable electricity standard to create new jobs in both mill towns that have lost jobs overseas and in prosperous business centers such as those I represent in northern Virginia. The Southeast has wind resources in the Continental Shelf, in the Appalachian Mountains, and it has good solar exposure throughout our entire region.

Now is the time, Mr. Speaker, to exploit those natural resources and to produce energy right here at home. Now is the time to pass clean energy jobs legislation with a strong renewable electricity standard.

CROSSROADS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Kentucky (Mr. YARMUTH) for 2 minutes.

Mr. YARMUTH. Thank you, Mr. Speaker.

Mr. Speaker, this Congress is being called on to make some very critical

decisions. We are at a crossroads in this country and in the world.

You know, we are trying to make bold moves. President Obama has proposed a very bold agenda in the area of health care reform, energy and education, and we have taken up that cause in this Congress, and we are moving very decisively to make significant changes in this country.

From the other side, we hear reasonable questions: How much is this going to cost? What about the deficits we will be incurring? What about fiscal responsibility? Well, you know, there are two aspects to fiscal responsibility. One is living within your means. There's no question about that. We need to be able to do that. The other question is: How do you prepare for the future? If we are living within our means and are not willing to make the investments that we need to make, then the future is going to be very bleak, indeed.

You heard just a few minutes ago my colleague from California, Mr. COSTA, talking about the need to promote infrastructure, to invest in infrastructure and in the water supply in California. Well, this is just one microcosm of the challenge we will face across the country with bridges, roads, airports, air traffic controls, water systems, sewers. We need to make significant investments in all of those areas in order to provide the foundation, the infrastructure, for future growth, and we're going to have to borrow money to do that. Similarly, if we don't make the changes in our health care system and in our energy system and in our education, we will not have the human infrastructure that we need to move into the future.

You know, I've heard the minority leader on the other side say: How much is it going to cost to do health care reform? Well, I'm not sure, but we know how much it's going to cost not to do health care reform. We've seen the projections. Tens of trillions of dollars over the next 70 years in additional deficit are forecasted for Medicare. That's if we don't act. So we know what the cost of not acting is. It is time to act. It is the fiscally responsible thing to do to adopt the agenda of the Obama administration, and I look forward to being a part of that historic effort.

WORLD HEPATITIS DAY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Louisiana (Mr. CASSIDY) for 2 minutes. Mr. CASSIDY. I thank you.

Today is World Hepatitis Day. This has special meaning for me because I'm a liver doctor, and I've spent 20 years treating hepatitis patients. Three to four million Americans have hepatitis, and about two-thirds of those folks are baby boomers. Maybe it has special meaning for me because I'm a baby boomer, but it also includes firemen, those affected at birth, Vietnam veterans, and many others who are affected by this disease. Indeed, almost

every person, almost every family is touched by someone who has liver diseases.

Every year in this country, thousands die from liver disease. We spend, roughly, \$30 billion a year treating liver disease, and many more are frightened, even though they shouldn't be, because they know the terrible statistics I just cited. Hepatitis doesn't affect people at the end of life, but rather, it can affect people in the primes of their lives. When it does so, it potentially leaves behind orphans, widows and widowers.

The best of the American spirit is compassion. Public policy should reflect this compassion, and in this case, it will be for our friends, our families and, in my case, my patients touched by hepatitis. Today, on World Hepatitis Day, I ask that we, through public policy, pledge our compassion to those so affected.

THE IMPORTANCE OF FISCAL RESPONSIBILITY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. PERRIELLO) for 5 minutes.

Mr. PERRIELLO. Thank you, Mr. Speaker.

I rise today as one of the younger Members of this body to speak out about the importance of fiscal responsibility. As one of those young enough who will take on much of the burden of the deficits created today, I speak out of the urgency of our considering future generations in the decades ahead as we look at this. It's certainly true that both political parties have much to answer for in terms of the deficits that have been run up, but it's also important that we do not embark on revisionist history and suggest moral equivalence between the sides.

□ 1100

We must remember that the last administration walked into a situation where they had a \$5.6 trillion surplus—a \$5.6 trillion surplus—that they turned into a \$4.5 trillion deficit. That turnaround, you could hear future generations crying as that great opportunity to restore fiscal sanity was passed up and our national debt was doubled.

The Clinton administration and this body in the early 1990s took bold steps to get us on the path towards fiscal responsibility. We saw the same kind of bold leadership from the Democrats in my state, the Commonwealth of Virginia, when MARK WARNER came in as Governor, inheriting a huge deficit, and turning it into a surplus and making Virginia the best-managed State in the country. Governor Kaine moved in and continued that tradition, even under much more difficult economic times, of fiscal responsibility and sanity. So we know that this can be done because we have seen Democrats do it at the national level, and we have seen Democrats do it at the State level.

We have taken steps in this body to move in the right direction. I think the

budget should have gone further which is why I didn't support it. But let there be no doubt that we turned this ship around from unending deficits to cutting those deficits in more than half in the next 5 years. This is the decent thing to do. It is the right thing to do.

But in addition to the budget deficits that were run up in recent years, there was also a running up of a jobs deficit. We hear people talking now, worried suddenly about the jobs we could lose by getting in front of the energy economy. What about the jobs we have already lost? My colleague, Mr. CONNOLLY, has already spoken to how many millions of jobs have already gone overseas, good paying, advanced manufacturing jobs, engineering jobs, that could have been here if this body had the courage and the leadership to look forwards and not backwards.

Again, both parties have been part of trade deals that I think have been a bad bargain for the American worker. But let us have no doubt that there are those in this body now ready to have the courage to be ahead of the next big jobs boom and make sure that those next generation of jobs will be created here in the United States as we move towards a balanced budget, the kind of business climate where people want to locate and where we dare the American consumer and American business leaders to lead, to innovate, to create, to be at the forefront of that new energy economy.

This jobs deficit that has been created hand in hand with our budget deficit is one we can conquer. I believe we have taken great steps already in this Congress to put ourselves at the forefront of science, of research, of green energy. I come from an area of the country that has a great deal of pain right now. We have more than 20 percent unemployment in some of the towns in our districts as factories have gone overseas.

As we look at the possibility for alternative energies, energy efficiency technology, smart grid technology, advanced battery manufacturing, I believe our side has the courage to say America can do that better than anybody else. I believe southside Virginia can do that better than anyone else. But we will not get it by continuing the moral deficit we have had in our politics in recent years that puts the easy ahead of what is right. That puts partisan gains of right and left ahead of right and wrong.

The Democrats have a strong track record of fiscal responsibility in my State of Virginia and here in this body. We have begun a path that I hope we will continue to march down toward fiscal responsibility that will generate the jobs and the economic competitiveness that this country needs.

So I rise today hopeful and happy that we are part of that new change here to bring back and close in this time, to close the moral deficit, close the jobs deficit, and close the budget deficit and restore the kind of responsibility that future generations deserve.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 11 o'clock and 4 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BLUMENAUER) at noon.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

One God and Father of all, we ask You to renew Your spirit within us and lift up this Nation in confidence, in determination and transformative thinking.

Members of Congress are distinctly unique individuals representative of America. They are not only racially, religiously and politically different; they are personally and philosophically different, one from another, closest to their families and the people of their districts.

Yet by coming here, they are called to form one body, to guide and protect this Nation as a whole. By unfolding before their very eyes the depth and variety of human needs and by seeking a common response to economic and social concerns, may they become Your instrument to breathe hope in Your people and sustain perseverance in the historical institutions of this great Nation, both now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Minnesota (Mr. PAULSEN) come forward and lead the House in the Pledge of Allegiance.

Mr. PAULSEN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

AIRSPACE REDESIGN OVER CONNECTICUT, NEW YORK AND NEW JERSEY

(Mr. HIMES asked and was given permission to address the House for 1 minute.)

Mr. HIMES. Mr. Speaker, I rise today to talk about the FAA's redesign of the

airspace over Connecticut, New York and New Jersey. Plans for this redesign have moved forward, certainly in my district, without proper and appropriate input from the stakeholders and from my constituents affected by this move.

Planes are being rerouted to fly over southwestern Connecticut upon descent into New York's airports, and my constituents have been subjected to unnecessary and unprecedented levels of noise in their homes and places of business. A day does not go by that I don't hear this concern from my constituents.

Later this week I will be submitting an amendment along with my colleagues Congressman SESTAK and Congressman ENGEL during floor consideration of H.R. 915, the FAA reauthorization bill. This amendment will call simply for a cost-benefit analysis to be performed before the redesign proceeds any further.

The amendment will require the cost-benefit analysis to take into account direct costs as well as the indirect costs of alleviating the noise that so affects my constituents.

I urge my colleagues to support this commonsense amendment to the FAA reauthorization bill.

MEDICAL RIGHTS ACT

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. Mr. Speaker, many are concerned about waiting lines that would come with a government health care program, and their fears are well-founded. Canada and Europe restrict care for patients, especially the elderly.

The President has outlined three principles for his bill: lower cost, choice and access. I support these goals; and to back them, the President should also endorse the Medical Rights Act.

Congressman DENT and I will introduce the Medical Rights Act tomorrow. Our legislation is founded on this: The Congress should make no law that blocks the decisions of American patients made with their doctor.

If patients are our prime focus, then their rights should be protected in law. If we do not enact the Medical Rights Act, patients will be at risk when the government denies care, as routinely happens in Canada.

Once denied government care, many Canadians find doctors in America. If Congress orders the government to take over America's health care system, then where will we be able to drive once denied from a government health care system?

To prevent the mistakes of Canada and Britain, Congress should enact the Medical Rights Act.

REDUCING THE DEFICIT

(Mr. ALTMIRE asked and was given permission to address the House for 1 minute.)

Mr. ALTMIRE. Mr. Speaker, Congress and the President continue to work together to strengthen our economy and begin the process of reducing the mountain the debt that has accumulated over the past 8 years.

We enacted a budget that reduces the deficit by two-thirds over the next 4 years and by hundreds of billions over the next year alone. We made the necessary hard choices to dig our way out of the hole we inherited by eliminating programs that don't work and holding government contractors accountable for every penny they spend.

We are addressing the issues that are driving our long-term deficit. By making health care more affordable for every American, reducing our dependence on foreign oil, and improving our education system to be more globally competitive, we're taking the necessary steps today to ensure that we correct the fiscal mistakes of the past and don't just send the bill along to future generations.

CLOSING AUTOMOBILE DEALERSHIPS

(Mr. PAULSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAULSEN. Mr. Speaker, recently the President's automobile task force eliminated more than 3,000 Chrysler and GM dealerships nationwide. These dealerships are small businesses with an average of 52 good-paying jobs each.

So the actions by the Federal Government, not the private auto industry, just put over 150,000 people out of work with the wave of a government wand. Most troubling is that the government's decision on which dealers would close appears to be arbitrary, and the reasons are not being shared with the public.

In my district, a long-time local dealer, Bill Mason's Chrysler Jeep in Excelsior, was given 30 days by the President's auto task force to shut its doors. Thirty days. It didn't matter that he built the business, owns the land and provides good-paying jobs.

Mr. Speaker, it is wrong to let Washington bureaucrats pick winners and losers without public notice at the expense of thousands of jobs.

RESTORING FISCAL ACCOUNTABILITY

(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Mr. Speaker, Democrats have been committed to fiscal responsibility since taking control of the House in 2007. The President's budget calls for health care reform, job creation, a clean environment, energy efficiency, and college affordability to be completely deficit neutral.

We are constantly reviewing the progress and spending of our recovery programs to ensure a strong return on every public dollar spent. We're also working to cut programs that don't work or government contracts that don't deliver for the American people. We're working hard to reform our Nation's health care system, which will reduce the deficit, save money for consumers, and improve efficiencies in the health care system.

In a key step, we scheduled oversight hearings and carefully reviewed all Federal spending within the committee's jurisdiction to eliminate waste, fraud and abuse.

I applaud President Obama and the Democratic Congress for taking these critical steps and we will continue working with him to reduce our Nation's deficit and debt.

A TRIBUTE TO THE WILKES VFW POST 1142 HONOR GUARD

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Mr. Speaker, I rise today to pay tribute to the Wilkes County, North Carolina, VFW Honor Guard. This band of brothers has faithfully served the veterans and families of Wilkes County for the past 12 years by honoring the lives of deceased veterans in Wilkes County.

Every member of the Honor Guard volunteers his time throughout the year to execute the Honor Guard's primary duty of performing military funeral rights for deceased veterans. Their commitment to those who have served our Nation demonstrates that they not only understand and revere the life of sacrifice chosen by those who serve in the Armed Forces, but they also know the toll military service takes on the family of veterans.

In paying their respects to deceased veterans, the Wilkes VFW Honor Guard is offering a tangible thank you to veterans' families and also preserving an American tradition of marking the death of veterans with dignity and respect.

I commend the Wilkes VFW Honor Guard members for their selfless service to their community and their Nation. They are true patriots.

55TH ANNIVERSARY OF BROWN V. BOARD OF EDUCATION

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, on Sunday this Nation recognized the 55th anniversary of a great Supreme Court case—*Brown v. Board of Education of Topeka*. That case overruled a case called *Plessy v. Ferguson*, which legalized segregation in this country.

The people who brought about the *Brown v. Board of Education* effort did much to start the civil rights move-

ment and kindled a spirit and a spark in America that has led to more equal justice and a better nation that we are continually improving upon.

John Hope Franklin, who recently died and has been honored by this House, researched the law on the subject; and Thurgood Marshall, who later became a United States Supreme Court Justice, argued the case on behalf of the NAACP Legal Defense Fund.

On this, the 55th anniversary of that historic case that kindled a movement in this country that went from the streets and the churches to this Congress, we need to recognize those who have fought so valiantly for justice and liberty and civil rights in this Nation. I appreciate their efforts and what they've done for our Nation.

CALIFORNIA BAILOUT

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, the State of California boasts the highest tax rates, the highest number of unemployed residents, the lowest credit rating and largest deficit in the United States of America.

Businesses are leaving the State in droves because the tax burden continues to hammer them. Spendacrats in California have been running their State for decades, just like the new left government in D.C. wants to run the entire country: tax and borrow and spend and spend.

Some spendacrats in D.C. want the American taxpayer to bail out California by cosigning a guarantee for their municipal bonds, placing the full faith and credit of the United States taxpayer on the hook.

Texas taxpayers and other States with responsible government shouldn't be forced to send their money to a State that mismanages its money, wastes its resources and spends money it doesn't have on programs that don't work. Why doesn't California cut its spending binge and addiction to government programs rather than expect the rest of us to bail them out?

Next we'll hear that taxpayers will make money off the California bailout investment, just like we were promised would happen with all the money we gave Wall Street. Yeah, right.

And that's just the way it is.

FOCUS ON RENEWABLE ENERGY

(Mr. TEAGUE asked and was given permission to address the House for 1 minute.)

Mr. TEAGUE. In 2007 when I announced that I would be running for Congress, people were surprised to find an oilman like myself campaigning on a platform that emphasized energy independence through a focus on renewable energy. But I told people in Hobbs, Roswell, Carlsbad and across southern New Mexico that technologies like wind, solar and biofuels were not

only good for the environment but would also create jobs in our communities and bolster our national security.

One area in which we can do a lot of good is biofuels. My State of New Mexico is fortunate to have several biofuel organizations on the cutting edge of research. Both private companies and the national labs in my State are making excellent progress towards commercially producing oil from algae and other green sources.

The United States currently uses 20 million barrels of petroleum each day. American biofuels producers are aiming to reach 1 million barrels a day of biofuel production, which will really be sending a message to OPEC that America is serious about her energy independence.

□ 1215

QUALITY SOLUTIONS FOR PATIENTS

(Mr. BOUSTANY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOUSTANY. Mr. Speaker, over the weekend, I was privileged to give the weekly Republican address. And as a doctor, I've seen firsthand the difficult challenges that face health reform, and at first glance, the task really seems daunting. However, working together we can achieve real results for the American people. We can lower out-of-pocket costs for families and reduce the Federal deficit, which is ballooning out of control. We can increase the quality of care by increasing the choices and information patients have in order to work with their doctor, the doctor they choose to decide the best care possible. Let's begin by ensuring families can keep their current coverage, as the President has promised to do. Then we can work to lower the cost of health care by giving patients flexibility and choice rather than one-size-fits-all, government-run health care. Working together, we can achieve real results and make health care more affordable and accessible.

We all agree, improving our system will make America more competitive and give families peace of mind. Let's work together to put the doctor and patient back in control.

RESTORING FISCAL RESPONSIBILITY

(Ms. TITUS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. TITUS. Mr. Speaker, after 8 years of economic policies that have left our Nation's fiscal house awash in red ink, this Congress is taking important steps to restore fiscal responsibility. We inherited a fiscal and economic mess that included soaring unemployment, a record deficit and a

housing crisis. Faced with the worst recession in a generation, this Congress took unprecedented action in an effort to end our economic slide and turn our economy around.

First was the recovery package that invested in needed infrastructure and provided tax relief to 95 percent of working Americans. And now, with a budget that calls for health care reform, job creation, clean energy and investments in education, we will grow our economy while cutting the deficit by two-thirds over the next 5 years. By providing real oversight and honest accounting and with a commitment to fiscal responsibility, we are changing the way business is done in Washington.

NATIONAL ENERGY TAX KILLS JOBS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, it is troubling that with so many other strategies to move our country to a cleaner energy future, there are still some advocating that we impose a national energy tax. This tax will attack the budgets of American families, costing an extra \$3,000 each year. And it will drive businesses and the jobs they create overseas.

The administration and Democratic Congress who claim to be opposed to offshoring of American jobs are encouraging companies to leave America. This Nation does not need to impose new taxes on its citizens to achieve the common goal of a clean energy future. We have the natural resources here that can provide the revenue and the bridge to that future. We have the scientists and entrepreneurs that will create the next generation of energy resources. And we have the citizens who understand the benefit to their lives and to their budgets of commonsense conservation. We should explore, innovate and conserve, not tax and eliminate jobs.

In conclusion, God bless our troops, and we will never forget September the 11th and the global war on terrorism.

PAYING TRIBUTE TO CLAUDINE WILLIAMS, A TRUE LAS VEGAS PIONEER

(Ms. BERKLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BERKLEY. I rise today to pay tribute to a dear friend and a true Las Vegas pioneer, Claudine Williams, who died last week at the age of 88. Claudine was a smart, savvy, tough businesswoman with a heart of gold and a true commitment to the community she helped shape into the 21st century, Las Vegas, known around the world. As the first woman to own and run a casino on the Las Vegas Strip,

the famous Silver Slipper, Claudine redefined Nevada's gaming industry and in the process opened the doors for countless others to follow in her footsteps. She was a generous philanthropist, contributing millions of dollars to local charities. And while she had very little formal education herself, she was a major contributor and supporter to the University of Nevada Las Vegas.

Claudine was a gracious hostess for the millions she welcomed through the doors of her successful hotel casinos. Claudine was truly one of a kind. She is irreplaceable. She will be missed. But her charitable contributions and the many lives this fabulous woman touched both inside and outside the gaming industry will continue to enrich Las Vegas for decades to come. I loved her. She is truly a dear woman. And I will miss her terribly.

NATIONAL SMALL BUSINESS WEEK

(Mrs. DAHLKEMPER asked and was given permission to address the House for 1 minute.)

Mrs. DAHLKEMPER. Mr. Speaker, I rise today during National Small Business Week on behalf of the millions of small businesses across the country.

As a family business owner and chairwoman of a Small Business subcommittee, I know firsthand that these small firms are the driving force behind job creation and our economic recovery. Therefore we have an obligation to assist these hardworking Americans during these difficult times.

The Recovery Act was an important first step generating \$21 billion in new lending and investment opportunities for entrepreneurs. However, we must go further and relieve the pressure small businesses experience from the skyrocketing cost of health insurance. Finally, we must help small businesses get the resources they need like those found in the Job Creation Through Entrepreneurship Act that the House will take up this week.

Mr. Speaker, small businesses are critical both to job creation and our Nation's recovery. During National Small Business Week, Congress should renew our commitment to giving them the assistance they deserve.

CONGRATULATING AVERETT UNIVERSITY IN DANVILLE, VIRGINIA

(Mr. PERRIELLO asked and was given permission to address the House for 1 minute.)

Mr. PERRIELLO. Mr. Speaker, yesterday the House unanimously passed a resolution I was pleased to introduce in recognition of Averett University's 150 years of service and leadership to the Commonwealth of Virginia and the Nation. Averett University stands at the center of knowledge and innovation in southern Virginia. Founded in historic Danville in 1859, Averett stands as a testament to the virtues of progress and opportunity.

It began as a school for young women at a time when educating women was an unconventional notion. Continuing in this spirit, Averett was among the first colleges in Virginia to give tangible meaning to the terms "lifelong learning" and "career education" by creating an accelerated program of higher learning for working adults.

Today Averett has an enrollment of over 2,500 students and offers 32 major academic fields of study. The university was recently recognized nationally by U.S. News and World Report as one of the leading baccalaureate-granting colleges in the South. For over 150 years, Averett University has contributed to the strength of our Nation by providing men and women with the tools of thought and the spirit of service.

I congratulate them on this accomplishment and look forward to their next chapter.

HONORING THE REVEREND JOHN PRATT

(Mr. TOWNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TOWNS. I rise to talk about the passing of Rev. John Pratt of the Zion Shiloh Baptist Church in Brooklyn, New York. He pastored that church for 30 years. John Pratt is going to be missed in the Borough of Brooklyn. He was the kind of person that was always involved in community efforts. Whatever you needed to have done, John Pratt was a person that you could count on. Not only that, he was unusual in many ways, because you could talk to him and, of course, he wouldn't call a press conference on you. You just could have a discussion with him and then he would do whatever it was, and you didn't have to worry about him calling a big press conference to let the world know that you had asked him to do something.

He was the kind of person that was able to pull people together. He was a coalition builder. We are going to miss John and his coalition skills because he could talk to anybody at any point in any time. And that was the thing that he was able to do so well.

I will never forget that when my mother passed, how John was there on behalf of my family. So let me say to the Pratt family that you have my support in every way. If there is anything I can do, just let me know. I would be delighted to do it, because he was there for me, and I want to be there for you.

FISCAL RESPONSIBILITY

(Mr. ELLISON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ELLISON. Mr. Speaker, I want to talk this morning about a matter of

great importance to the American people. As this new Congress and President Obama begin to repair and reshape our economy, I think it is critically important for Americans to know and remember how we got into this mess we find ourselves in today.

President Obama and this Congress inherited a fiscal mess from the Bush administration, including a record deficit and soaring unemployment. Since taking control of the House in 2007, Democrats have committed to restoring fiscal responsibility, taking steps to cut waste, fraud and abuse. The President's budget slashes the deficit by nearly two-thirds in 4 years. The budget also calls for health care reform, job creation, clean energy and energy efficiency, and college affordability.

We will continue to work to repair the damage of the last 8 years of irresponsibility.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

ENHANCED OVERSIGHT OF STATE AND LOCAL ECONOMIC RECOVERY ACT

Mr. TOWNS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2182) to amend the American Recovery and Reinvestment Act of 2009 to provide for enhanced State and local oversight of activities conducted pursuant to such Act, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2182

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Enhanced Oversight of State and Local Economic Recovery Act".

SEC. 2. REQUIREMENTS FOR FUNDING FOR STATE AND LOCAL OVERSIGHT UNDER AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009.

(a) FEDERAL AGENCY REQUIREMENT.—Section 1552 of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 297) is amended—

(1) by inserting "(a) FEDERAL AGENCY REQUIREMENT.—" before "Federal agencies receiving";

(2) by striking "may," and all that follows through "reasonably" and inserting "shall, subject to guidance from the Director of the Office of Management and Budget,"; and

(3) by striking "data collection requirements" and inserting "data collection requirements, auditing, contract and grant planning and management, and investigations of waste, fraud, and abuse".

(b) STATE AND LOCAL GOVERNMENT AUTHORITY.—Such section is further amended by adding at the end the following new subsection:

"(b) STATE AND LOCAL GOVERNMENT AUTHORITY.—Notwithstanding any other provision of law, State and local governments receiving funds under this Act may set aside an amount up to 0.5 percent of such funds, in addition to any funds already allocated to administrative expenditures, to conduct planning and oversight to prevent and detect waste, fraud, and abuse."

(c) CONFORMING AMENDMENT.—The heading for section 1552 of such Act is amended to read as follows:

"SEC. 1552. FUNDING FOR STATE AND LOCAL GOVERNMENT OVERSIGHT."

SEC. 3. AUTHORIZATION FOR ACQUISITION BY STATE AND LOCAL GOVERNMENTS THROUGH FEDERAL SUPPLY SCHEDULES.

Section 502 of title 40, United States Code, is amended by adding at the end the following:

"(e) USE OF SUPPLY SCHEDULES FOR ECONOMIC RECOVERY.—

"(1) IN GENERAL.—The Administrator may provide for the use by State or local governments of Federal supply schedules of the General Services Administration for goods or services that are funded by the American Recovery and Reinvestment Act of 2009 (Public Law 111-5).

"(2) VOLUNTARY USE.—In the case of the use by a State or local government of a Federal supply schedule pursuant to paragraph (1), participation by a firm that sells to the Federal Government through the supply schedule shall be voluntary with respect to a sale to the State or local government through such supply schedule.

"(3) DEFINITIONS.—The definitions in subsection (c)(3) shall apply for purposes of this subsection."

SEC. 4. DEFINITION OF JOBS CREATED AND JOBS RETAINED.

Section 1512(g) of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 288) is amended by adding at the end "The Director of the Office of Management and Budget shall issue guidance to ensure accurate and consistent reporting of 'jobs created' and 'jobs retained' as those terms are used in subsection (c)(3)(D)."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. TOWNS) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. TOWNS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. TOWNS. Mr. Speaker, I yield myself as much time as I may consume.

I rise in support of H.R. 2182, the Enhanced Oversight of State and Local Economic Recovery Act. H.R. 2182 will help ensure efficient and effective use of the taxpayers' money provided to State and local governments for stimulus projects. This legislation grew out of a hearing the Oversight Committee held on the Recovery Act. Many State and local officials responsible for overseeing spending of stimulus dollars

pointed out to us that in these troubled economic times, they are under tremendous pressure to conduct their normal oversight work, let alone cope with the increase that the Recovery Act requires.

Our hearings, Mr. Speaker, made clear, that State and local governments need additional resources to monitor the large infusion of funds the Recovery Act directs. H.R. 2182 will provide State and local governments with the flexibility to set aside a portion of their stimulus funds for auditing, contract and grant planning and management, and investigations of waste, fraud and abuse.

The bill also permits State and local governments to use the Federal supply schedules of the General Services Administration for stimulus projects. The GSA schedules are prenegotiated Federal contracts for a range of common goods and services.

This is a win-win situation because it will allow State and local governments to acquire certain items without engaging in time-consuming contracting procedures while guaranteeing the lowest rate price for them.

Lastly, H.R. 2182 requires the Office of Management and Budget to give detailed guidance to State and local governments to ensure consistency in their reporting of job creation data. Our State and local governments are on the front lines of the efforts to fight mismanagement of Recovery Act dollars. Their success is vital to making the stimulus work for the American people.

Let me pause here and thank Ranking Member ISSA, who has worked very closely with me in crafting this legislation, and I want to thank him for that. I would also like to thank Representative KUCINICH, who has worked with us, Representative PLATTS, and Representatives WELCH and CONNOLLY for working with me on this bill.

I should note that the legislation incorporates part of H.R. 1911, which was introduced by Representative CONNOLLY from Virginia. H.R. 2182 is a strong bill. I urge all Members to support this critical oversight and accountability measure.

And I reserve the balance of my time.

□ 1230

Mr. ISSA. Thank you, Mr. Speaker. I yield myself such time as I may consume.

I join with the chairman in urging all Members to vote for this important correction piece of legislation. I say "correction" because, in fact, we in Congress make mistakes. It wasn't out of malice that we spent \$800 billion without asking the question of where would the money for oversight come from. These kinds of things happen in every organization where you're in such a rush to do one thing that it's not until later on in the light of the next day, or in the case of Chairman TOWNS and myself, it's when we held a field hearing in his district in Brooklyn

and people said, Thank you very much for the money, but here is A, B, C, D—what's really happening? I commend Chairman TOWNS for quickly reacting to this and to some other issues that were found to be less than optimal in the stimulus package.

In the case of this legislation, H.R. 2182, we seek to empower with existing funds State and local governments to not have to reach into other money in order to do oversight. This is not to say that we wouldn't prefer that the oversight be done at all times even without Federal money, but at a time in which the stimulus needs to be spent quickly and accurately, this legislation recognizes that money in short supply in States and in cities is likely not to go into the oversight necessary.

Particularly with the chairman's initiative to ensure that transparency be greater than in any previous Congress, I recognize—and he has recognized—that if we want greater transparency, we are going to have to ensure that we not only supply the funds to do the oversight but that we supply the new technology and means to do the oversight. This legislation is deliberately intended to allow for cities and States to make investments in hardware or software that allows for them to better dig down into their procurement process, their spending, to work smarter, not just harder.

Having no other speakers at this time, I yield back the balance of my time.

Mr. TOWNS. Mr. Speaker, in closing, I would like to reiterate my strong support of H.R. 2182 as it provides State and local governments with the flexibility and resources they need to properly monitor the stimulus project. In our hearing, they asked for help, and of course, with Congressman ISSA and with members of the committee, we are now giving them that help. I urge my colleagues to join me in supporting the passage of this measure.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. TOWNS) that the House suspend the rules and pass the bill, H.R. 2182.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ADAPTED HOUSING ASSISTIVE TECHNOLOGY GRANT PROGRAM

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1170) to amend chapter 21 of title 38, United States Code, to establish a grant program to encourage the development of new assistive technologies for specially adapted housing, as amended.

The Clerk read the title of the bill. The text of the bill is as follows:

H.R. 1170

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SPECIALLY ADAPTED HOUSING ASSISTIVE TECHNOLOGY GRANT PROGRAM.

(a) IN GENERAL.—Chapter 21 of title 38, United States Code, is amended by adding at the end the following new section:

“§2108. Specially adapted housing assistive technology grant program

“(a) ESTABLISHMENT.—The Secretary shall make grants to encourage the development of new assistive technologies for specially adapted housing.

“(b) APPLICATION.—A person seeking a grant under this section shall submit to the Secretary an application for the grant in such form and manner as the Secretary shall specify.

“(c) GRANT FUNDS.—(1) The amount of each grant awarded under this section shall be an amount of not more than \$200,000 per year.

“(2) For each year in which the Secretary makes a grant under this section, the Secretary shall make the grant by not later than October 1 of that year.

“(d) USE OF FUNDS.—(1) The recipient of a grant under this section shall use the grant to develop assistive technologies for use in specially adapted housing.

“(2) If the recipient of a grant under this section is awarded a patent related to assistive technology developed with amounts under the grant, the Secretary shall retain not less than a 30 percent interest in such patent.

“(e) REPORT.—Not later than March 1 of each year, the Secretary shall submit to Congress a report containing information related to each grant awarded under this section during the preceding calendar year, including—

“(1) the name of the grant recipient;

“(2) the amount of the grant; and

“(3) the goal of the grant.

“(f) FUNDING.—From amounts appropriated to the Department for Medical Services for each fiscal year, \$2,000,000 shall be available for each such fiscal year for the purposes of the program under this section.

“(g) TERMINATION.—The authority to make a grant under this section shall terminate on the date that is five years after the date of the enactment of this section.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 21 of title 38, United States Code, is amended by adding at the end the following:

“2108. Specially adapted housing assistive technology grant program.”.

(c) DEADLINE FOR IMPLEMENTATION.—The Secretary shall implement the grant program under section 2108 of title 38, United States Code, as added by subsection (a), by not later than 180 days after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. FILNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 1170, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FILNER. I yield myself such time as I may consume.

Mr. Speaker, in about a week, on Monday, May 25, our country will mark the 38th year in which Congress has formally recognized the last Monday of May as Memorial Day in honor of our brave men and women who have made the ultimate sacrifice for our Nation, so I stand before you today with a series of bills to honor our fallen men and women and our current veterans and those on current active duty with deeds and not just with words that we speak on Memorial Day. So we want to honor the legacy of our fallen servicemembers. We look forward to ensuring that our veterans are cared for at the same level of dedication and service that they have provided while in service to our country.

The bills before you today have all come through our Economic Opportunity Subcommittee, chaired by Ms. HERSETH SANDLIN from South Dakota and with her ranking member, Mr. BOOZMAN from Arkansas. They have proven to be a formidable team, a team which works well together, which brings our committee together and which brings us bills that are very important to our veterans today. So I thank both the Chair and her ranking member for all of the good work that they do with our committee.

I think I will yield to Ms. HERSETH SANDLIN to explain the bills because she has played such an important role in them. I will yield to her such time as she may consume.

Ms. HERSETH SANDLIN. Thank you, Mr. Speaker, and I thank the chairman for yielding.

As the chairwoman of the Veterans Affairs' Economic Opportunity Subcommittee, I rise today in strong support of H.R. 1170, as amended. I would like to thank Chairman FILNER, Ranking Member BUYER on the full committee and the sponsor of the bill, and subcommittee ranking member, Mr. BOOZMAN, for their leadership and bipartisan support of this bill, which the full committee passed on May 6.

The bill offers important improvements to the Department of Veterans Affairs' Specially Adapted Housing Program by creating a 5-year pilot program to promote the research and development of adaptive technologies. With many veterans returning from the conflicts in Iraq and Afghanistan with injuries such as traumatic brain injury, it is important that research and development help meet the demand for cost-effective solutions that could mitigate the needs for around-the-clock nursing care or institutionalization for seriously wounded veterans. These solutions can be as simple as ramps or other structural modifications or they can be more complex, such as voice recognition controls for a home's heating system.

Also, H.R. 1170, as amended, gives the Department of Veterans Affairs a 30 percent stake in any patent approved as a result of this grant program. This

measure will allow taxpayers to receive a reasonable return on their investment as well as to promote creativity and ingenuity among the designers and inventors working with the VA on these grants.

The Specially Adapted Housing Program has been a tremendous help to many veterans, and it is expected to fund 1,250 projects in 2010. This bill will expand and improve this program, and it is a wise investment in our veterans.

I thank Chairman FILNER for noting the working relationship that I have with the distinguished ranking member, Mr. BOOZMAN of Arkansas. When he once chaired the subcommittee, we worked together then and continue to work today on a whole host of programs, particularly housing for our disabled veterans in light of the current needs of veterans and their families.

I want to thank Mr. BOOZMAN for sponsoring this important bill, and I encourage my colleagues to support H.R. 1170, as amended.

Mr. BOOZMAN. I yield myself as much time as I may consume.

Mr. Speaker, on February 25, 2009, I, along with Congresswoman STEPHANIE HERSETH SANDLIN, introduced H.R. 1170, which would amend chapter 21 of title 38, United States Code, to establish a grant program to encourage the development of new, assistive technologies for specially adapted housing. H.R. 1170, as amended, would authorize the VA to use up to \$2 million per year to provide grants of up to \$200,000 to expand research and development in the areas of adaptive technologies that can be used in the VA's Specially Adapted Housing Program.

The goal of VA's specially adapted housing benefit is to enable severely disabled veterans to live in a home with modifications that make daily life and daily living easier—typical adaptations or structural modifications such as ramps, wider halls and doors, grab rails, and lower counters. Yet there are many emerging technologies that lend themselves well to improving the livability of adapted homes. Some examples of possible home modifications are voice recognition and voice-commanded operations, integrated computer-managed functions, alternative human computer interfaces, living environment controls, adaptive feeding equipment, fall prevention devices, and recreation assistance equipment.

Finally, the bill includes a provision that is a result of funding an R&D program. Under this authorization, the VA would retain a 30 percent interest in any patents evolving from the grant.

I truly appreciate Congresswoman HERSETH SANDLIN in working with me on this very important bipartisan legislation.

Again, Mr. Speaker, I want to thank the chairwoman of the Subcommittee on Economic Opportunity, Ms. HERSETH SANDLIN, committee Chairman FILNER, and Ranking Member STEVE BUYER for moving this bill forward in a timely manner, as well

thanking our staffs. I urge my colleagues to support H.R. 1170, as amended.

With that, having no other speakers, I yield back my time.

Mr. FILNER. Mr. Speaker, I just want to conclude by telling the House that, recently, we had a committee meeting to learn more about how new technologies can augment the VA's ability to efficiently meet the adaptive needs of our veterans and improve the healing process. We have a new Secretary of the VA, who has committed himself to transformation. We have a new Deputy Secretary, Mr. Gould, who comes from IBM and who understands how a big organization can innovate. That's going to be an important part of the VA's moving into the 21st century. This is a part of that.

I thank Mr. BOOZMAN for introducing it. I thank Chair HERSETH SANDLIN for working with him to move this along. I recommend that everybody vote for H.R. 1170.

I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 1170, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

MANDATORY VETERAN SPECIALIST TRAINING ACT OF 2009

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1088) to amend title 38, United States Code, to provide for a one-year period for the training of new disabled veterans' outreach program specialists and local veterans' employment representatives by National Veterans' Employment and Training Services Institute.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1088

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mandatory Veteran Specialist Training Act of 2009".

SEC. 2. ONE-YEAR PERIOD FOR TRAINING OF NEW DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS AND LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES BY NATIONAL VETERANS' EMPLOYMENT AND TRAINING SERVICES INSTITUTE.

(a) ONE-YEAR PERIOD.—Section 4102A(c)(8)(A) of title 38, United States Code is amended by striking "three-year period" and inserting "one-year period".

(b) EFFECTIVE DATE.—

(1) APPLICABILITY TO NEW EMPLOYEES.—The amendment made by subsection (a) shall apply with respect to a State employee assigned to perform the duties of a disabled veterans' outreach program specialist or a local veterans' employment representative

under chapter 41 of such title who is so assigned on or after the date of the enactment of this Act.

(2) APPLICABILITY TO PREVIOUSLY-HIRED EMPLOYEES.—In the case of such a State employee who is so assigned on or after January 1, 2006, and before the date of the enactment of this Act, the Secretary of Veterans Affairs shall require the State to require, as a condition of a grant or contract under which funds are made available to the State in order to carry out section 4103A or 4104 of title 38, United States Code, each such employee to satisfactorily complete the training described in section 4102A(c)(8)(A) of such title by not later than the date that is one year after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. FILNER. I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 1088.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FILNER. I yield myself such time as I may consume.

Mr. Speaker, this legislation was introduced by Ms. HERSETH SANDLIN of South Dakota. She has demonstrated her commitment to our Nation's veterans for many, many years. Her work as Chair of the Economic Opportunity Subcommittee, with Mr. BOOZMAN, always bears fruit. H.R. 1088 is one of those bills.

I yield to the gentlewoman from South Dakota (Ms. HERSETH SANDLIN) as much time as she may consume to explain the bill.

Ms. HERSETH SANDLIN. Thank you, Mr. Speaker, and I thank the chairman once again.

I rise today in strong support of H.R. 1088, the Mandatory Veteran Specialist Training Act of 2009, which the Economic Opportunity Subcommittee passed on March 19 and which the full committee approved on May 6.

I want to thank again Chairman FILNER, the ranking member of the full committee, Mr. BUYER, and once again the distinguished ranking member of the subcommittee, Mr. BOOZMAN, for their leadership and for, again, their bipartisan support of this bill, which I introduced on February 13, 2009.

The bill would amend title 38 to reduce from 3 years to 1 year the period during which disabled veterans' outreach program specialists or local veterans' employment representatives with the Department of Labor must complete the specialized veterans' employment training program provided by the National Veterans' Training Institute. The National Veterans' Training Institute program is designed to give those specialists the correct skill set that can help veterans so that they can

help veterans with a wide variety of employment services such as transition assistance and case management.

□ 1245

Through several oversight hearings held by the Subcommittee on Economic Opportunity that we have held throughout the 110th and 111th Congresses, we learned it was taking on average 2.5 years before individuals were completing the National Veterans Training Institute Program. This fact, therefore, leaves untrained specialists who don't have the necessary skills trying to help veterans with their employment needs. So this bill takes an important step in the right direction to providing better employment assistance to those who have bravely served their country.

Again, I thank Chairman FILNER for his support of this important bill, and I urge my colleagues to support this bill.

Mr. BOOZMAN. I yield myself such time as I may consume.

Mr. Speaker, providing first-class employment services to veterans is the most basic way to ensure they can support themselves and their families, and that is why I rise in strong support of H.R. 1088, the Mandatory Veteran Specialist Training Act of 2009. This measure would amend title 38 of the United States Code to provide for a 1-year period for the training of new disabled veterans' outreach program specialists and local veterans' employment representatives by the National Veterans' Employment and Training Services Institute.

H.R. 1088 was introduced by our distinguished colleague, the chairwoman of the Subcommittee on Economic Opportunity, STEPHANIE HERSETH SANDLIN, on February 13, 2009. Mr. Speaker, I was pleased to work with Ms. HERSETH SANDLIN in the 109th Congress to begin the process of improving the training levels of State and employment service staff. We did that because there was a significant backlog of untrained staff and we needed to give States adequate time to train their veterans' employment staff that were paid for with Federal funds. Together, we passed legislation to require State employment services to send their disabled veterans' outreach program specialists—or DVOPS—and local veterans' employment representatives through basic job placement training within 3 years.

States have had sufficient time to meet the initial training backlog, and we should now require that employment specialists be trained within a shorter period of time to ensure veterans' employment staff is trained properly and promptly after being hired by the State employment service.

Again, I appreciate Ms. HERSETH SANDLIN for bringing this forward. I think it's an excellent bill.

Having no other speakers, I want to thank committee Chairman FILNER and Ranking Member STEVE BUYER,

along with our staffs, and urge my colleagues to support H.R. 1088.

With that, I yield back my time.

Mr. FILNER. I, again, thank the chair and the ranking member, and I urge all of my colleagues to unanimously support H.R. 1088, and I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 1088.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

VETERANS EMPLOYMENT RIGHTS REALIGNMENT ACT OF 2009

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1089) to amend title 38, United States Code, to provide for the enforcement through the Office of Special Counsel of the employment and unemployment rights of veterans and members of the Armed Forces employed by Federal executive agencies, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1089

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans Employment Rights Realignment Act of 2009".

SEC. 2. ENFORCEMENT THROUGH OFFICE OF SPECIAL COUNSEL OF VETERANS' EMPLOYMENT OR REEMPLOYMENT RIGHTS WITH RESPECT TO EMPLOYERS THAT ARE FEDERAL EXECUTIVE AGENCIES.

(a) ENFORCEMENT OF RIGHTS THROUGH OFFICE OF SPECIAL COUNSEL.—Section 4322 of title 38, United States Code, is amended—

(1) by striking subsection (a) and inserting the following new subsection (a):

“(a)(1)(A) A person described in subparagraph (B) may file a complaint with the Secretary, and the Secretary shall investigate such complaint.

“(B) A person described in this subparagraph is a person who claims that—

“(i) such person is entitled under this chapter to employment or reemployment rights or benefits with respect to employment by an employer other than an employer that is a Federal executive agency; and

“(ii) such employer has failed or refused, or is about to fail or refuse, to comply with the provisions of this chapter.

“(2)(A) A person described in subparagraph (B) may file a complaint with the Special Counsel established by section 1211 of title 5.

“(B) A person described in this subparagraph is a person who claims that—

“(i) such person is entitled under this chapter to employment or reemployment rights or benefits with respect to employment by an employer that is a Federal executive agency; and

“(ii)(I) such employer has failed or refused, or is about to fail or refuse, to comply with the provisions of this chapter; or

“(II) such employer or the Office of Personnel Management has failed or refused, or is about to fail or refuse, to comply with the provisions of this chapter.”;

(2) by striking subsections (d) and (e) and inserting the following new subsections (d) and (e):

“(d)(1) The Secretary shall investigate each complaint submitted pursuant to subsection (a)(1). If the Secretary determines as a result of the investigation that the action alleged in such complaint occurred, the Secretary shall attempt to resolve the complaint by making reasonable efforts to ensure that the person or entity named in the complaint complies with the provisions of this chapter.

“(2) If the efforts of the Secretary with respect to any complaint filed under subsection (a)(1) do not resolve the complaint, the Secretary shall notify the person who submitted the complaint of—

“(A) the results of the Secretary's investigation; and

“(B) the complainant's entitlement to proceed under the enforcement of rights provisions provided under section 4323.

“(e)(1) In the case of a complaint filed under subsection (a)(2), the Special Counsel shall investigate the complaint. If the Special Counsel determines as a result of the investigation that the action alleged in such complaint occurred, the Special Counsel shall attempt to resolve the complaint by making reasonable efforts to ensure that the person or entity named in the complaint complies with the provisions of this chapter.

“(2) If the efforts of the Special Counsel with respect to any complaint filed under subsection (a)(2) do not resolve the complaint, the Special Counsel shall notify the person who submitted the complaint of—

“(A) the results of the investigation by the Special Counsel; and

“(B) the complainant's entitlement to proceed under the enforcement of rights provisions provided under section 4324.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Such title is further amended—

(1) in section 4322(b), by striking “Such complaint” and inserting “Each complaint filed under subsection (a)”;

(2) in section 4323(a)—

(A) in paragraph (1), by striking “section 4322(e)” and inserting “section 4322(d)(2)”;

(B) in paragraph (3)(A), by striking “section 4322(a)” and inserting “section 4322(a)(1)”;

(3) in section 4324—

(A) in subsection (a)(1)—

(i) in the first sentence, by striking “Secretary” each place it appears and inserting “Special Counsel”;

(ii) by striking “section 4322(e)” and inserting “section 4322(e)(2)”;

(iii) by striking the second sentence; and

(B) in subsection (b)—

(i) in paragraph (1)—

(I) by striking “Secretary” and inserting “Special Counsel”;

(II) by striking “section 4322(a)” and inserting “section 4322(a)(2) of this title”;

(ii) in paragraph (2)—

(I) by striking “Secretary” and inserting “Special Counsel”;

(II) by striking “section 4322(e)” and inserting “section 4322(e)(2) of this title”;

(4) in section 4325(c), by striking “section 4322(d)” and inserting “section 4322(d)(1)”;

(5) in section 4326—

(A) in subsection (a), by inserting “or the Special Counsel's” after “Secretary's”; and

(B) by striking “Secretary” each place it appears and inserting “Secretary or the Special Counsel”.

(c) CONFORMING REPEAL.—The Veterans Benefits Improvement Act of 2004 (Public Law 108-454) is amended by striking section 204.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to complaints filed on or after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. Mr. Speaker, I would yield myself such time as I may consume and again thank our dynamic duo on the Economic Opportunity Subcommittee for bringing us another bill which will protect the rights of our veterans and especially in job opportunities.

I yield as much time as she may consume to the gentlelady from South Dakota (Ms. HERSETH SANDLIN).

Ms. HERSETH SANDLIN. Thank you, Mr. Chairman, for being so supportive of the work of the subcommittee.

I rise today in strong support of H.R. 1089, as amended, the Veterans Employment Rights Realignment Act of 2009, which the Economic Opportunity Subcommittee passed on March 19 and the full committee approved on May 6.

Once again, we wouldn't be able to consider this bill today if not for the support and leadership of the chairman and ranking member both of the full committee as well as Mr. BOOZMAN on the subcommittee. And we introduced this bill on February 13, 2009, again in response to a number of hearings that were held in the 110th Congress.

The bill would amend title 38 of the U.S. Code to move the enforcement of the Uniform Services Employment and Reemployment Rights Act—known as USERRA—to the enforcement of those protections, USERRA protections, of veterans and members of the armed services employed by Federal executive agencies to the U.S. Office of Special Counsel.

The Office of Special Counsel is an independent Federal investigative and prosecutorial agency that was created by Congress with the goal of protecting employees, former employees and applicants for employment from prohibited personnel practices.

Under a demonstration project established by Public Law 108-454, the Office of Special Counsel investigated some Federal sector USERRA claims from 2004 until 2007. This demonstration project showed that the Office of Special Counsel had the expertise and ability to quickly obtain corrective action for federally employed veterans.

By granting the Office of Special Counsel initial jurisdiction over all of these Federal USERRA claims, we give claimants a single agency to investigate and resolve their complaint. This will be more efficient than the current circumstance where first the Department of Labor investigates the claim, and then the claim is then transferred to OSC at the veteran's request if the Department of Labor fails to find a resolution, which then prompts a second investigation.

So, again, I want to thank the chairman, Chairman FILNER, for his support. I also want to thank Congresswoman KIRKPATRICK for her amendment during the subcommittee consideration of the bill that clarified the role of the Office of Special Counsel in this important

piece of legislation. Again, I encourage my colleagues to support H.R. 1089.

Mr. BOOZMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 1089 as amended, the Veterans Employment Rights Realignment Act of 2009 which would amend title 38, United States Code, to provide for the investigation and enforcement of the employment and unemployment rights of veterans and members of the Armed Forces employed by Federal executive agencies through the Office of Special Counsel and for other purposes.

This bill was introduced by the chairwoman of the Subcommittee on Economic Opportunity, Ms. STEPHANIE HERSETH SANDLIN, on February 13, 2009. Mr. Speaker, as I stated earlier today when speaking about H.R. 466, as amended, the Uniform Services Employment and Reemployment Rights Act provides significant protections to veterans returning to civilian employment. In the past, enforcement of these rights was limited to the Department of Labor's veterans employment and training services—VETS. Unfortunately, the VETS case investigation and enforcement process took too long and the 108th Congress required a comparison of the time it took the Office of Special Counsel and VETS to process employee claims involving Federal agencies.

I believe that having the Office of Special Counsel handle all Federal claims is the right way to go because of their expertise in dealing with Federal agencies in other similar matters.

I am hopeful that H.R. 1089, as amended, will not only shorten the time it takes to complete action on the case but that veterans will ultimately see a friendlier Federal bureaucracy when it comes to veterans returning to their former Federal employer.

I appreciate Ms. HERSETH SANDLIN's leadership in this area in bringing forward this important legislation. I want to thank Chairman FILNER and Ranking Member STEVE BUYER in moving this bill in a timely manner.

And having no further speakers, I yield back the balance of my time.

GENERAL LEAVE

Mr. FILNER. I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 1089, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FILNER. I ask my colleagues to unanimously support H.R. 1089, as amended, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 1089, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. FILNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

URGING ALL AMERICANS AND PEOPLE OF ALL NATIONALITIES TO VISIT THE NATIONAL CEMETERIES, MEMORIALS, AND MARKERS ON MEMORIAL DAY

Mr. FILNER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 360) urging all Americans and people of all nationalities to visit the national cemeteries, memorials, and markers on Memorial Day.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 360

Whereas the United States has fought in wars outside and inside of its borders to restore freedom and human dignity;

Whereas the United States has spent its national treasure and shed its blood in fighting those wars;

Whereas the National Cemetery Administration of the Department of Veterans Affairs maintains 128 national cemeteries that serve as the final resting place for nearly 3,000,000 veterans and their dependents;

Whereas each year, millions of Americans visit the national cemeteries, memorials, and markers;

Whereas overseas sites annually recognize Memorial Day with speeches, a reading of the Memorial Day Proclamation, wreath laying ceremonies, military bands and units, and the decoration of each grave site with the flag of the United States and that of the host country; and

Whereas these splendid commemorative sites inspire patriotism, evoke gratitude, and teach history: Now, therefore, be it

Resolved, That the House of Representatives strongly urges Americans and people of all nationalities to visit national cemeteries, memorials, and markers on Memorial Day, where the spirit of American generosity, sacrifice, and courage are displayed and commemorated.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. Thank you, Mr. Speaker. I yield myself as much time as I may consume.

I think it is only appropriate, Mr. Speaker, that we bring this resolution to the floor as we approach Memorial Day. The resolution encourages people to visit the cemeteries, memorials, and markers overseen by the American Battle Monuments Commission. Now, that is a commission that I am sure many people have not heard of.

What is the American Battle Monuments Commission, and what do they

do? Back in 1923, Congress created this commission to control the construction of military cemeteries, monuments, and markers erected to honor American servicemembers killed on foreign soil. Host countries provide the necessary lands for the sites to the United States in perpetuity and free of charge.

The commission cares for 24 military cemeteries, 25 memorials, monuments and markers in 15 countries around the world. These sites serve as the final resting place for almost 125,000 Americans who fought in the Mexican-American War, World War I and World War II. The commission takes special care that all cemeteries under its supervision are maintained to the highest standard attainable. The commission extends an open invitation for all to visit these magnificent shrines and to go beyond the most well known, like Normandy, and venture into others.

Each site has its own sense of history, sacrifice and beauty, and each offers a unique experience. For example, no two have the same guard nor architecture. Perhaps only the spiritual qualities are similar. In less than a month from now, on June 6, the commission will commemorate the 63rd anniversary of the D-day landing by opening a new Normandy-American cemetery visitors center. This center, which has been under construction since 2002, will tell the story of the American soldiers memorialized at Normandy.

I encourage all to visit this new D-day center and any of the sites under the jurisdiction of the commission. Overseas cemeteries are the lasting reminders of America's willingness to come to the defense of others. These tangible symbols of American values endure long after the fighting is over.

Mr. Speaker, I would reserve the balance of my time.

Mr. BOOZMAN. Mr. Speaker, I rise in strong support of H. Res. 360 urging all Americans and people of all nationalities to visit the national cemeteries, memorials and markers on Memorial Day. This legislation was sponsored by our colleague from Tennessee and a new and very active member of the Veterans Affairs' Committee, Congressman David Roe, on April 23, 2009, and we all appreciate him bringing this forward.

Mr. Speaker, properly honoring a veteran's memory is one of our most solemn obligations. These patriots are due the final tribute of a grateful Nation. Here in the U.S., the National Cemetery Administration of the Department of Veterans Affairs cares for 128 national cemeteries that serve as the final resting place for over three million of our Nation's veterans and their dependents. The National Park Service cares for 14 veterans' cemeteries as well.

But it's not just here in the United States that our fallen are honored. The overseas national cemeteries of the American Battle Monuments Commission provide our Nation's heroes an

honored repose in national shrines far from the homes they left in order to protect democracy. These overseas cemeteries have become the gold standard in memorializing the precious gift to us by those who fell in our defense.

□ 1300

The commission oversees 24 overseas military cemeteries that serve as resting places for almost 125,000 American war dead. Tablets of the missing memorialize more than 94,000 U.S. servicemen and -women as well as 25 memorials, monuments and markers.

These memorials and cemeteries are mute testimony to the sacrifices of Americans who fought in battles across the globe such as Flanders Field, Belgium; Manila, Philippines; North Africa, Tunisia; Sicily-Rome, Italy; Corozal, Panama; Lorraine, France; Mexico City, Mexico; and Normandy, France.

Mr. Speaker, with Memorial Day less than a week away, this is a most fitting time to consider this resolution. I ask all my colleagues to support it, and I look forward to its passage.

With that, I reserve the balance of my time.

Mr. FILNER. I continue to reserve.

Mr. BOOZMAN. Mr. Speaker, I yield as much time as he would require to the author of the resolution, the gentleman from Tennessee (Mr. ROE).

Mr. ROE of Tennessee. Mr. Speaker, I rise in support of House Resolution 360, urging all Americans and people of all nationalities to visit the national cemeteries, memorials, and markers this Memorial Day.

Following a tradition begun in 1868, our Nation will pause this Monday in remembrance of those who have sacrificed their lives in defense of our free Republic. Fond mourners and friends will set flowers and flags on the graves of the fallen. Our flag, flown at half staff since sunrise, will at noon be raised high and those gathered will be called to pledge allegiance. A bugle will sound Taps, and we will make another pledge: to aid the widows, widowers, and orphans of our heroic dead, and our disabled veterans.

There is no central location for this observance. Our servicemembers' final resting places are in all our towns and communities. The National Cemetery Administration of the Department of Veterans Affairs maintains 128 national cemeteries in 39 States and Puerto Rico. One of those cemeteries is in my hometown of Johnson City, Tennessee. The Department of the Army maintains Arlington National Cemetery and the U.S. Soldiers' and Airmen's Home National Cemetery.

Americans have died defending liberty around the globe and have been laid to rest far from home. The American Battle Monuments Commission oversees 24 military cemeteries abroad where 125,000 of our war dead remain.

The freedoms we enjoy today, the freedoms enjoyed by a civilized Europe,

and those free from despots rising to national power are the proof these men and women did not die in vain. This sacrifice should be celebrated, and never forgotten.

Not all who serve perish fulfilling their duty. They return to us as veterans and deserve our thanks and a commitment to serve them. We erect monuments and markers and make pilgrimages there to honor them.

That is this resolution's call. Congress should urge Americans to visit these cemeteries, these monuments and memorials, and I as a veteran encourage my colleagues to support this resolution.

Mr. FILNER. Does the gentleman have further speakers?

Mr. BOOZMAN. Yes, I have two more.

Mr. FILNER. I think this may be the first time in American history that a Roe is followed by a Poe, but that's just the way it is. I would reserve the balance of our time.

Mr. BOOZMAN. Mr. Speaker, I yield as much time as he may consume to the gentleman from Texas (Mr. POE).

Mr. POE of Texas. I thank the gentleman for yielding.

Mr. Speaker, it's been said, "From this day to the ending of the world, we in it shall be remembered. We few, we happy few, we band of brothers; for he today that sheds his blood with me shall be my brother." Shakespeare penned these words in Henry V, describing the commitment of a soldier to his fellow soldiers.

I rise today in support of H. Res. 360 which calls on all Americans to honor our veterans by visiting memorials and national cemeteries on Memorial Day. I am proud to cosponsor this very important legislation.

Since 2004, 26 men and women from the Second Congressional District area of Texas have served honorably and given their lives for the cause of freedom in Iraq and Afghanistan. Every time a brave member of America's military from my area dies for this country, I come down to this House floor, and I talk about their lives, their legacy, their family, and those others that they have left behind.

Every year, millions of Americans visit the national cemeteries and the memorials and the war markers all over the United States to remember the men and women who have so courageously fought to defend America's freedom.

Mr. Speaker, in a land far, far away, there are over 9,000 Americans buried in a place called Normandy in France, most of them young teenage boys that left America and went off to war to defend our country. They shed their blood in 1944 for not only us but for those folks in Europe. My father who served in the great World War II as an 18-year-old never talked about his service in Europe until he and Mom visited Normandy and its cemetery 50 years after that important event. He, like many other veterans, is proud to have

served but keeps saying that the heroes are still buried in places throughout the world.

Each Memorial Day all across America, parades are held, wreaths are laid, grave sites are decorated as a tribute to our fallen warriors. On Veterans Day, we remember those who fought and came home, but on Memorial Day, we remember those who fought and did not come home.

The Department of Veterans Affairs preserves 128 cemeteries all over the world that are the final resting place for over 3 million Americans. These national cemeteries and memorials remind us of the warriors who have fought and gave all to protect the rest of us. When called, they went.

I am pleased to support this legislation and urge all Members to approve this resolution.

As Toby Keith so eloquently put it in his tribute to the American soldiers, he said about the American soldier: "I don't do it for money, there's bills that I can't pay. I don't do it for the glory, I just do it anyway. I'm an American soldier, an American beside my brothers and sisters, I will proudly take a stand. When liberty's in jeopardy I will always do what's right. I'm out here on the front lines, so sleep in peace tonight. I'm an American soldier."

These warriors, Mr. Speaker, are our sons of liberty and the daughters of democracy. They are our heroes, and they need to be honored and remembered by the rest of us for all time.

And that's just the way it is.

Mr. FILNER. I continue to reserve.

Mr. BOOZMAN. Mr. Speaker, that was my last speaker on the subject.

I want to thank Mr. ROE of Tennessee for bringing this forward in a very timely way and such an important message that we remember those that have sacrificed so much for all of us.

I want to thank Committee Chairman BOB FILNER and Ranking Member STEVE BUYER for allowing us to go forward with the bill, and certainly I want to urge all of my colleagues to support H. Res. 360.

And with that, having no further speakers, I yield back the balance of my time.

GENERAL LEAVE

Mr. FILNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on House Resolution 360.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FILNER. Mr. Speaker, the United States has fought wars throughout our history to restore both freedom and dignity inside of its own borders, as well as around the world. We have shed our blood and spent our national treasure fighting these wars. On Memorial Day, the Nation is reminded of the phrase spoken constantly, that freedom is not free.

These wonderful commemorative sites that we spoke of today inspire patriotism, invoke gratitude, serve as a permanent and lasting reminder of the sacrifices made by the men and women of the United States military. They are reminders of America's willingness to come to the defense of others, to protect the freedom and liberty of its people, and ensure the prosperity of our Republic.

Mr. Speaker, I urge my colleagues to unanimously support House Resolution 360.

Mr. SALAZAR. Mr. Speaker, I rise today in support of H. Res. 360, a bill encouraging all Americans to honor our veterans by visiting national cemeteries and memorials this Memorial Day.

Since 1862, more than three million burials have been made in VA national cemeteries.

National cemeteries are the testimony of a grateful nation to appropriately commemorate the Americans who have served our nation in the armed forces.

My home state of Colorado has a population of over 427,000 veterans.

I am proud to represent a district that is home to almost 70,000 veterans.

As a veteran myself, I know how much of an honor it was to serve my country during the Vietnam era.

My father, Henry Salazar, was a staff sergeant in the Army during World War II.

Two years after being diagnosed with Alzheimer's, my father came down to breakfast one morning and told us that he wanted to be buried in his uniform.

As I held my father just before he passed away he told me that he loved me and his last word was "Uniform."

Throughout the four years that my father lived with Alzheimer's, the two things he never forgot were how much he loved his family and how proud he was to serve his country.

It is this dedication to duty and unyielding commitment that have ensured our freedom and our way of life even in our nation's most troubled times.

The courage and sacrifices of our veterans set a necessary example to our youth and all Americans.

Their stories are important chapters in the history of our nation.

That is why I am working with members of the Colorado delegation to bring a national veterans cemetery to southern Colorado.

Current standards place many VA cemeteries closer to large metropolitan areas.

This is an issue that is faced by veterans in small and rural communities similar to those in the Third Congressional District of Colorado.

I look forward to continue working on issues that improve the lives of our veterans and honor their service.

Mr. FILNER. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and agree to the resolution, H. Res. 360.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ROE of Tennessee. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SUPPORTING NATIONAL WOMEN'S HEALTH WEEK

Mrs. CAPPS. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 120) supporting the goals and ideals of National Women's Health Week, and for other purposes, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 120

Whereas women of all backgrounds should be encouraged to greatly reduce their risk of common diseases through preventative measures, such as engaging in regular physical activity, eating a nutritious diet, and visiting a healthcare provider to receive regular check-ups and preventative screenings;

Whereas significant disparities exist in the prevalence of disease among women of different backgrounds, including women with disabilities, African-American women, Asian/Pacific Islander women, Latinas, and American Indian/Alaskan Native women;

Whereas healthy habits should begin at a young age;

Whereas preventative care saves Federal dollars designated for health care;

Whereas it is imperative to educate women and girls about key female health issues;

Whereas it is recognized that offices of women's health within the Department of Health and Human Services, the Food and Drug Administration, the Centers for Disease Control and Prevention, the Health Resources and Services Administration, the National Institutes of Health, and the Agency for Healthcare Research and Quality provide services that support women's health research, education, and other services that benefit women of all ages, races, and ethnicities;

Whereas the annual National Women's Health Week begins on Mother's Day and celebrates the efforts of national and community organizations working with partners and volunteers to improve awareness of key women's health issues; and

Whereas in 2009, the week of May 10 through May 16 is designated National Women's Health Week: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) recognizes the importance of preventing diseases that commonly affect women;

(2) supports the goals and ideals of National Women's Health Week;

(3) calls on the people of the United States to use National Women's Health Week as an opportunity to learn about the health issues women face;

(4) calls on the women of the United States to observe National Women's Check-Up Day by receiving preventative screenings from their health care providers; and

(5) recognizes the importance of Federal, State, and private programs that provide research and collect data on common diseases in women.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. CAPPS) and the gentlewoman from Tennessee (Mrs. BLACKBURN) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. CAPPS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. CAPPS. Mr. Speaker, I yield myself such time as I may consume.

I rise today in strong support of H. Con. Res. 120, recognizing National Women's Health Week, and I'd like to commend my colleagues, Mr. HINCHEY and Mrs. BONO MACK, for introducing this legislation.

We have worked together on this recognition for several years now. This year marks the 10th anniversary of National Women's Health Week. It's an opportunity to recognize the progress made in women's health.

Much of this progress is due to the offices of women's health in multiple key Federal agencies. These offices work to promote research on women's health issues and the provision of important women's health services. In fact, the office of Women's Health at the Department of Health and Human Services just celebrated 10 years of the womenshealth.gov Web site.

What this resolution rightly notes is that women's health issues matter throughout a woman's lifespan. Promoting health education among girls and women of all ages will increase healthy behaviors and the use of important preventive screenings and services.

This resolution also notes that there are significant disparities among women of different racial and ethnic backgrounds and women with disabilities, all of which must be considered and taken into account as we address women's health.

I urge my colleagues to join in the bipartisan sponsorship of this bill and supporting National Women's Health Week.

Mr. Speaker, I reserve the balance of my time.

Mrs. BLACKBURN. Mr. Speaker, I yield myself such time as I may consume.

I want to first express my appreciation to Mrs. CAPPS, who is also a member of the Energy and Commerce Committee and has been a very outspoken and consistent supporter of women's health and women's health issues, and we have worked on many of those in committee and certainly continue to raise awareness of women's health.

One such instrument that is placed before us that we can use is National Women's Health Week, and May 10-16 was that week, and this is, as Mrs. CAPPS stated, the 10th annual National Women's Health Week. And I think it is so fitting, Mr. Speaker, that it was kicked off this year on Mother's Day and how very appropriate that it started on Mother's Day. And I think the

gentlelady from California will join me in saying it's also Grandmother's Day, those of us who do delight in those grandchildren.

The nationwide initiative empowers women across the country to make their health a top priority and ensure they take the steps to live a longer, healthier and happier life. And certainly, we are so pleased that there is that emphasis on women's health and having women make the decision to have their health and their well-being be a top priority in their life.

I would like to express my gratitude to the national and community organizations in working to promote public awareness of National Women's Health Week and provide the proper information to encourage women and girls that healthy habits should begin at a very young age.

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The efforts of the national community to support regular checkups and preventive screenings will help to prevent diseases that commonly affect women.

I would also like to thank the author of the resolution, the gentleman from New York (Mr. HINCHEY) for taking his efforts and energy and his time in order to place an emphasis on women's health, and to say thank you for his leadership in improving awareness of women's key health issues.

I encourage all of my colleagues to vote in favor of the resolution, and I reserve the balance of my time.

Mrs. CAPPS. Mr. Speaker, I am pleased now to yield to the gentleman from New York (Mr. HINCHEY) for such time as he may consume.

Mr. HINCHEY. Mr. Speaker, I would like to take a moment, first of all, to express my appreciation to Chairman WAXMAN for supporting this resolution and for helping to bring it to the floor today. Also, I would like to thank Mr. HOYER for his determination in bringing this measure to the floor to honor National Women's Health Week, despite the very crowded schedule that we have.

I would also like to thank Chairman PALLONE and all the fine members of the Energy and Commerce Health Subcommittee for their work on women's health issues and for making it possible for this resolution to reach the floor.

Finally, and most importantly, I would like to thank my good friends Congresswoman LOIS CAPPS and Congresswoman MARY BONO MACK for taking the lead with me on this resolution for the fourth time in a row. And MARSHA, I thank you very much also for your statement today and your participation in getting this legislation passed.

This resolution has the bipartisan sponsorship of 117 Members. The National Council of Women's Organizations fully endorsed this bill on behalf of its more than 200 member organizations representing more than 10 million women nationwide.

National Women's Health Week begins annually on Mother's Day. This year marks the 10th annual National Women's Health Week that we have experienced and honored.

National Women's Health Week is a week celebrated across America. During this week, families, communities, businesses, government, health organizations, and other groups work together to educate women about steps they could take to improve their physical and mental health to prevent disease and to enable them to live longer and stronger.

This week is also used as an opportunity to educate the entire population of our country about important health issues that women face.

This resolution recognizes the importance of a number of things, including preventing diseases that commonly affect women, federally funded programs that provide research and collect data on common diseases that women are subject to, and also calls on women to observe National Women's Check-up Day by receiving preventive screenings.

It is vitally important that women have knowledge about the health risks that confront them and that they know they can greatly reduce those risks through preventive measures such as a healthy lifestyle and regular medical screenings.

Healthy habits should begin at a young age; therefore, it is imperative that we take the time to educate young girls on the benefits of exercise and proper eating. If these habits start at a young age, it is more likely that they will continue throughout their lives.

It is important and essential that we do everything we can to prevent disease. In this spirit, I encourage women to get the necessary checkups and preventive screenings from their health care providers so they can live long, healthy, and productive lives.

I urge full support and passage of this measure.

Mrs. BLACKBURN. Mr. Speaker, at this time there are no further speakers from our side of the aisle, so I will thank Mr. HINCHEY for his wonderful work on this. I will thank Mrs. CAPPS for the bipartisan efforts that we have put into addressing the issues that affect women in leading healthy, productive lives.

I yield back the balance of my time.

Mrs. CAPPS. Mr. Speaker, I will just make the comment that it is exceedingly gratifying to notice the leadership of our colleague from New York, Mr. HINCHEY, and other men who realize that Women's Health Week really affects their lives as well, because women are often the leaders within the family setting and the educators and the standard bearers often for communities as well. So we are talking about awareness of national women's health, which really is also talking about health for us all.

And I'm pleased also to note that our bipartisan caucus for women's issues

has championed this resolution and is very grateful to the authors for introducing it and for this opportunity for us to recognize the 10th annual National Women's Health Week.

Mr. DINGELL. Mr. Speaker, I rise today in support of H. Con. Res. 120, a resolution supporting the goals and ideals of National Women's Health Week. Throughout my career as a member of Congress, I have consistently fought to ensure that all Americans have access to quality, affordable, and comprehensive health care. As a cosponsor of the Breast Cancer Patient Protection Act, a supporter of additional research on diseases that target women, and a longstanding advocate of securing health care for all women, I am pleased to support this resolution.

Women's health issues are of the utmost importance to me, and this resolution helps to promote awareness for healthy lifestyles and disease prevention for women. It is important to ensure that women both in Michigan's 15th District and across the United States understand the steps that can be taken to reduce the risk of disease, are aware of the disease disparities that exist among women from different backgrounds, and are exposed to healthy habits and key health issues from an early age. I understand that encouraging preventative care for women is important for reducing the cost of health care. As a longtime supporter of improvements to our Nation's health care system and increased research on women's health issues, I am pleased to support National Women's Health Week and to cosponsor H. Con. Res. 120.

Mrs. CAPPS. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. CAPPS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 120, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

PACT ACT

Mr. WEINER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1676) to prevent tobacco smuggling, to ensure the collection of all tobacco taxes, and for other purposes, as amended.

The Clerk read the title of the bill.
The text of the bill is as follows:

H.R. 1676

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; FINDINGS; PURPOSES.

(a) **SHORT TITLE.**—This Act may be cited as the "Prevent All Cigarette Trafficking Act of 2009" or "PACT Act".

(b) **FINDINGS.**—Congress finds that—

(1) the sale of illegal cigarettes and smokeless tobacco products significantly reduces Federal, State, and local government revenues, with Internet sales alone accounting for billions of dollars of lost Federal, State, and local tobacco tax revenue each year;

(2) Hezbollah, Hamas, al Qaeda, and other terrorist organizations have profited from

trafficking in illegal cigarettes or counterfeit cigarette tax stamps;

(3) terrorist involvement in illicit cigarette trafficking will continue to grow because of the large profits such organizations can earn;

(4) the sale of illegal cigarettes and smokeless tobacco over the Internet, and through mail, fax, or phone orders, makes it cheaper and easier for children to obtain tobacco products;

(5) the majority of Internet and other remote sales of cigarettes and smokeless tobacco are being made without adequate precautions to protect against sales to children, without the payment of applicable taxes, and without complying with the nominal registration and reporting requirements in existing Federal law;

(6) unfair competition from illegal sales of cigarettes and smokeless tobacco is taking billions of dollars of sales away from law-abiding retailers throughout the United States;

(7) with rising State and local tobacco tax rates, the incentives for the illegal sale of cigarettes and smokeless tobacco have increased;

(8) the number of active tobacco investigations being conducted by the Bureau of Alcohol, Tobacco, Firearms, and Explosives rose to 452 in 2005;

(9) the number of Internet vendors in the United States and in foreign countries that sell cigarettes and smokeless tobacco to buyers in the United States increased from only about 40 in 2000 to more than 500 in 2005; and

(10) the intrastate sale of illegal cigarettes and smokeless tobacco over the Internet has a substantial effect on interstate commerce.

(c) **PURPOSES.**—It is the purpose of this Act to—

(1) require Internet and other remote sellers of cigarettes and smokeless tobacco to comply with the same laws that apply to law-abiding tobacco retailers;

(2) create strong disincentives to illegal smuggling of tobacco products;

(3) provide government enforcement officials with more effective enforcement tools to combat tobacco smuggling;

(4) make it more difficult for cigarette and smokeless tobacco traffickers to engage in and profit from their illegal activities;

(5) increase collections of Federal, State, and local excise taxes on cigarettes and smokeless tobacco; and

(6) prevent and reduce youth access to inexpensive cigarettes and smokeless tobacco through illegal Internet or contraband sales.

SEC. 2. COLLECTION OF STATE CIGARETTE AND SMOKELESS TOBACCO TAXES.

(a) **DEFINITIONS.**—The Act of October 19, 1949 (15 U.S.C. 375 et seq.; commonly referred to as the "Jenkins Act") (referred to in this Act as the "Jenkins Act"), is amended by striking the first section and inserting the following:

"SECTION 1. DEFINITIONS.

"As used in this Act, the following definitions apply:

"(1) **ATTORNEY GENERAL.**—The term 'Attorney General' means the Attorney General of the United States.

"(2) **ATTORNEY GENERAL.**—The term 'attorney general', with respect to a State, means the attorney general or other chief law enforcement officer of the State.

"(3) **CIGARETTE.**—

"(A) **IN GENERAL.**—For purposes of this Act, the term 'cigarette' shall—

"(i) have the same meaning given that term in section 2341 of title 18, United States Code; and

"(ii) include 'roll-your-own tobacco' (as that term is defined in section 5702 of the Internal Revenue Code of 1986).

"(B) **EXCEPTION.**—For purposes of this Act, the term 'cigarette' does not include a 'cigar', as that term is defined in section 5702 of the Internal Revenue Code of 1986.

"(4) **COMMON CARRIER.**—The term 'common carrier' means any person (other than a local messenger service or the United States Postal Service) that holds itself out to the general public as a provider for hire of the transportation by water, land, or air of merchandise, whether or not the person actually operates the vessel, vehicle, or aircraft by which the transportation is provided, between a port or place and a port or place in the United States.

"(5) **CONSUMER.**—The term 'consumer' means any person that purchases cigarettes or smokeless tobacco, but does not include any person lawfully operating as a manufacturer, distributor, wholesaler, or retailer of cigarettes or smokeless tobacco.

"(6) **DELIVERY SALE.**—The term 'delivery sale' means any sale of cigarettes or smokeless tobacco to a consumer if—

"(A) the consumer submits the order for such sale by means of a telephone or other method of voice transmission, the mails, or the Internet or other online service, or the seller is otherwise not in the physical presence of the buyer when the request for purchase or order is made; or

"(B) the cigarettes or smokeless tobacco are delivered to the buyer by common carrier, private delivery service, or other method of remote delivery, or the seller is not in the physical presence of the buyer when the buyer obtains possession of the cigarettes or smokeless tobacco.

"(7) **DELIVERY SELLER.**—The term 'delivery seller' means a person who makes a delivery sale.

"(8) **INDIAN COUNTRY.**—The term 'Indian country' means—

"(A) Indian country as defined in section 1151 of title 18, United States Code, except that within the State of Alaska that term applies only to the Metlakatla Indian Community, Annette Island Reserve; and

"(B) any other land held by the United States in trust or restricted status for one or more Indian tribes.

"(9) **INDIAN TRIBE.**—The term 'Indian tribe', 'tribe', or 'tribal' refers to an Indian tribe as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)) or as listed pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a-1).

"(10) **INTERSTATE COMMERCE.**—The term 'interstate commerce' means commerce between a State and any place outside the State, commerce between a State and any Indian country in the State, or commerce between points in the same State but through any place outside the State or through any Indian country.

"(11) **INTO A STATE, PLACE, OR LOCALITY.**—A sale, shipment, or transfer of cigarettes or smokeless tobacco that is made in interstate commerce, as defined herein, shall be deemed to have been made into the State, place, or locality in which such cigarettes or smokeless tobacco are delivered.

"(12) **PERSON.**—The term 'person' means an individual, corporation, company, association, firm, partnership, society, State government, local government, Indian tribal government, governmental organization of such government, or joint stock company.

"(13) **STATE.**—The term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.

"(14) **SMOKELESS TOBACCO.**—The term 'smokeless tobacco' means any finely cut, ground, powdered, or leaf tobacco, or other product containing tobacco, that is intended

to be placed in the oral or nasal cavity or otherwise consumed without being combusted.

“(15) TOBACCO TAX ADMINISTRATOR.—The term ‘tobacco tax administrator’ means the State, local, or tribal official duly authorized to collect the tobacco tax or administer the tax law of a State, locality, or tribe, respectively.

“(16) TRIBAL ENTERPRISE.—The term ‘tribal enterprise’ means any business enterprise, incorporated or unincorporated under Federal or tribal law, of an Indian tribe or group of Indian tribe.

“(17) USE.—The term ‘use’, in addition to its ordinary meaning, means the consumption, storage, handling, or disposal of cigarettes or smokeless tobacco.”

(b) REPORTS TO STATE TOBACCO TAX ADMINISTRATORS.—Section 2 of the Jenkins Act (15 U.S.C. 376) is amended—

(1) by striking “cigarettes” each place it appears and inserting “cigarettes or smokeless tobacco”;

(2) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by inserting “CONTENTS.—” after “(a)”;

(ii) by striking “or transfers” and inserting “, transfers, or ships”;

(iii) by inserting “, locality, or Indian country of an Indian tribe” after “a State”;

(iv) by striking “to other than a distributor licensed by or located in such State.”; and

(v) by striking “or transfer and shipment” and inserting “, transfer, or shipment”;

(B) in paragraph (1)—

(i) by striking “with the tobacco tax administrator of the State” and inserting “with the Attorney General and with the tobacco tax administrators of the State and place”; and

(ii) by striking “; and” and inserting the following: “, as well as telephone numbers for each place of business, a principal electronic mail address, any website addresses, and the name, address, and telephone number of an agent in the State authorized to accept service on behalf of such person.”;

(C) in paragraph (2), by striking “and the quantity thereof,” and inserting “the quantity thereof, and the name, address, and phone number of the person delivering the shipment to the recipient on behalf of the delivery seller, with all invoice or memoranda information relating to specific customers to be organized by city or town and by zip code; and”;

(D) by adding at the end the following:

“(3) with respect to each memorandum or invoice filed with a State under paragraph (2), also file copies of such memorandum or invoice with the tobacco tax administrators and chief law enforcement officers of the local governments and Indian tribes operating within the borders of the State that apply their own local or tribal taxes on cigarettes or smokeless tobacco.”;

(3) in subsection (b)—

(A) by inserting “PRESUMPTIVE EVIDENCE.—” after “(b)”;

(B) by striking “(1) that” and inserting “that”; and

(C) by striking “, and (2)” and all that follows and inserting a period; and

(4) by adding at the end the following:

“(c) USE OF INFORMATION.—A tobacco tax administrator or chief law enforcement officer who receives a memorandum or invoice under paragraph (2) or (3) of subsection (a) shall use such memorandum or invoice solely for the purposes of the enforcement of this Act and the collection of any taxes owed on related sales of cigarettes and smokeless tobacco, and shall keep confidential any personal information in such memorandum or invoice except as required for such purposes.”.

(c) REQUIREMENTS FOR DELIVERY SALES.—The Jenkins Act is amended by inserting after section 2 the following:

“SEC. 2A. DELIVERY SALES.

“(a) IN GENERAL.—With respect to delivery sales into a specific State and place, each delivery seller shall comply with—

“(1) the shipping requirements set forth in subsection (b);

“(2) the recordkeeping requirements set forth in subsection (c);

“(3) all State, local, tribal, and other laws generally applicable to sales of cigarettes or smokeless tobacco as if such delivery sales occurred entirely within the specific State and place, including laws imposing—

“(A) excise taxes;

“(B) licensing and tax-stamping requirements;

“(C) restrictions on sales to minors; and

“(D) other payment obligations or legal requirements relating to the sale, distribution, or delivery of cigarettes or smokeless tobacco; and

“(4) the tax collection requirements set forth in subsection (d).

“(b) SHIPPING AND PACKAGING.—

“(1) REQUIRED STATEMENT.—For any shipping package containing cigarettes or smokeless tobacco, the delivery seller shall include on the bill of lading, if any, and on the outside of the shipping package, on the same surface as the delivery address, a clear and conspicuous statement providing as follows: ‘CIGARETTES/SMOKELESS TOBACCO: FEDERAL LAW REQUIRES THE PAYMENT OF ALL APPLICABLE EXCISE TAXES, AND COMPLIANCE WITH APPLICABLE LICENSING AND TAX-STAMPING OBLIGATIONS’.

“(2) FAILURE TO LABEL.—Any shipping package described in paragraph (1) that is not labeled in accordance with that paragraph shall be treated as nondeliverable matter by a common carrier or other delivery service, if the common carrier or other delivery service knows or should know the package contains cigarettes or smokeless tobacco. If a common carrier or other delivery service believes a package is being submitted for delivery in violation of paragraph (1), it may require the person submitting the package for delivery to establish that it is not being sent in violation of paragraph (1) before accepting the package for delivery. Nothing in this paragraph shall require the common carrier or other delivery service to open any package to determine its contents.

“(3) WEIGHT RESTRICTION.—A delivery seller shall not sell, offer for sale, deliver, or cause to be delivered in any single sale or single delivery any cigarettes or smokeless tobacco weighing more than 10 pounds.

“(4) AGE VERIFICATION.—

“(A) IN GENERAL.—A delivery seller who mails or ships tobacco products—

“(i) shall not sell, deliver, or cause to be delivered any tobacco products to a person under the minimum age required for the legal sale or purchase of tobacco products, as determined by the applicable law at the place of delivery;

“(ii) shall use a method of mailing or shipping that requires—

“(I) the purchaser placing the delivery sale order, or an adult who is at least the minimum age required for the legal sale or purchase of tobacco products, as determined by the applicable law at the place of delivery, to sign to accept delivery of the shipping container at the delivery address; and

“(II) the person who signs to accept delivery of the shipping container to provide proof, in the form of a valid, government-issued identification bearing a photograph of the individual, that the person is at least the minimum age required for the legal sale or

purchase of tobacco products, as determined by the applicable law at the place of delivery; and

“(iii) shall not accept a delivery sale order from a person without—

“(I) obtaining the full name, birth date, and residential address of that person; and

“(II) verifying the information provided in subclause (I), through the use of a commercially available database or aggregate of databases, consisting primarily of data from government sources, that are regularly used by government and businesses for the purpose of age and identity verification and authentication, to ensure that the purchaser is at least the minimum age required for the legal sale or purchase of tobacco products, as determined by the applicable law at the place of delivery.

“(B) LIMITATION.—No database being used for age and identity verification under subparagraph (A)(iii) shall be in the possession or under the control of the delivery seller, or be subject to any changes or supplementation by the delivery seller.

“(c) RECORDS.—

“(1) IN GENERAL.—Each delivery seller shall keep a record of any delivery sale, including all of the information described in section 2(a)(2), organized by the State, and within such State, by the city or town and by zip code, into which such delivery sale is so made.

“(2) RECORD RETENTION.—Records of a delivery sale shall be kept as described in paragraph (1) in the year in which the delivery sale is made and for the next 4 years.

“(3) ACCESS FOR OFFICIALS.—Records kept under paragraph (1) shall be made available to tobacco tax administrators of the States, to local governments and Indian tribes that apply their own local or tribal taxes on cigarettes or smokeless tobacco, to the attorneys general of the States, to the chief law enforcement officers of such local governments and Indian tribes, and to the Attorney General in order to ensure the compliance of persons making delivery sales with the requirements of this Act.

“(d) DELIVERY.—

“(1) IN GENERAL.—Except as provided in paragraph (2), no delivery seller may sell or deliver to any consumer, or tender to any common carrier or other delivery service, any cigarettes or smokeless tobacco pursuant to a delivery sale unless, in advance of the sale, delivery, or tender—

“(A) any cigarette or smokeless tobacco excise tax that is imposed by the State in which the cigarettes or smokeless tobacco are to be delivered has been paid to the State;

“(B) any cigarette or smokeless tobacco excise tax that is imposed by the local government of the place in which the cigarettes or smokeless tobacco are to be delivered has been paid to the local government; and

“(C) any required stamps or other indicia that such excise tax has been paid are properly affixed or applied to the cigarettes or smokeless tobacco.

“(2) EXCEPTION.—Paragraph (1) does not apply to a delivery sale of smokeless tobacco if the law of the State or local government of the place where the smokeless tobacco is to be delivered requires or otherwise provides that delivery sellers collect the excise tax from the consumer and remit the excise tax to the State or local government, and the delivery seller complies with the requirement.

“(e) LIST OF UNREGISTERED OR NONCOMPLIANT DELIVERY SELLERS.—

“(1) IN GENERAL.—

“(A) INITIAL LIST.—Not later than 90 days after this subsection goes into effect under the Prevent All Cigarette Trafficking Act of 2009, the Attorney General shall compile a list of delivery sellers of cigarettes or

smokeless tobacco that have not registered with the Attorney General pursuant to section 2(a), or that are otherwise not in compliance with this Act, and—

“(i) distribute the list to—

“(I) the attorney general and tax administrator of every State;

“(II) common carriers and other persons that deliver small packages to consumers in interstate commerce, including the United States Postal Service; and

“(III) any other persons who the Attorney General believes can promote the effective enforcement of this Act; and

“(ii) publicize and make the list available to any other person engaged in the business of interstate deliveries or who delivers cigarettes or smokeless tobacco in or into any State.

“(B) LIST CONTENTS.—To the extent known, the Attorney General shall include, for each delivery seller on the list described in subparagraph (A)—

“(i) all names the delivery seller uses or has used in the transaction of its business or on packages delivered to customers;

“(ii) all addresses from which the delivery seller does or has done business, or ships or has shipped cigarettes or smokeless tobacco;

“(iii) the website addresses, primary e-mail address, and phone number of the delivery seller; and

“(iv) any other information that the Attorney General determines would facilitate compliance with this subsection by recipients of the list.

“(C) UPDATING.—The Attorney General shall update and distribute the list at least once every 4 months, and may distribute the list and any updates by regular mail, electronic mail, or any other reasonable means, or by providing recipients with access to the list through a nonpublic website that the Attorney General regularly updates.

“(D) STATE, LOCAL, OR TRIBAL ADDITIONS.—The Attorney General shall include in the list under subparagraph (A) any noncomplying delivery sellers identified by any State, local, or tribal government under paragraph (5), and shall distribute the list to the attorney general or chief law enforcement official and the tax administrator of any government submitting any such information, and to any common carriers or other persons who deliver small packages to consumers identified by any government pursuant to paragraph (5).

“(E) ACCURACY AND COMPLETENESS OF LIST OF NONCOMPLYING DELIVERY SELLERS.—In preparing and revising the list required by subparagraph (A), the Attorney General shall—

“(i) use reasonable procedures to ensure maximum possible accuracy and completeness of the records and information relied on for the purpose of determining that such delivery seller is noncomplying;

“(ii) not later than 14 days prior to including any delivery seller on such list, make a reasonable attempt to send notice to the delivery seller by letter, electronic mail, or other means that the delivery seller is being placed on such list, with that notice citing the relevant provisions of this Act and the specific reasons for being placed on such list;

“(iii) provide an opportunity to such delivery seller to challenge placement on such list;

“(iv) investigate each such challenge by contacting the relevant Federal, State, tribal, and local law enforcement officials, and provide the specific findings and results of such investigation to such delivery seller not later than 30 days after the challenge is made; and

“(v) upon finding that any placement is inaccurate, incomplete, or cannot be verified, promptly delete such delivery seller from the list as appropriate and notify each appro-

priate Federal, State, tribal, and local authority of such finding.

“(F) CONFIDENTIALITY.—The list distributed pursuant to subparagraph (A) shall be confidential, and any person receiving the list shall maintain the confidentiality of the list but may deliver the list, for enforcement purposes, to any government official or to any common carrier or other person that delivers tobacco products or small packages to consumers. Nothing in this section shall prohibit a common carrier, the United States Postal Service, or any other person receiving the list from discussing with a listed delivery seller the delivery seller's inclusion on the list and the resulting effects on any services requested by such listed delivery seller.

“(2) PROHIBITION ON DELIVERY.—

“(A) IN GENERAL.—Commencing on the date that is 60 days after the date of the initial distribution or availability of the list under paragraph (1)(A), no person who receives the list under paragraph (1), and no person who delivers cigarettes or smokeless tobacco to consumers, shall knowingly complete, cause to be completed, or complete its portion of a delivery of any package for any person whose name and address are on the list, unless—

“(i) the person making the delivery knows or believes in good faith that the item does not include cigarettes or smokeless tobacco;

“(ii) the delivery is made to a person lawfully engaged in the business of manufacturing, distributing, or selling cigarettes or smokeless tobacco; or

“(iii) the package being delivered weighs more than 100 pounds and the person making the delivery does not know or have reasonable cause to believe that the package contains cigarettes or smokeless tobacco.

“(B) IMPLEMENTATION OF UPDATES.—Commencing on the date that is 30 days after the date of the distribution or availability of any updates or corrections to the list under paragraph (1), all recipients and all common carriers or other persons that deliver cigarettes or smokeless tobacco to consumers shall be subject to subparagraph (A) in regard to such corrections or updates.

“(C) EXEMPTIONS.—Subparagraphs (A) and (B), subsection (b)(2), and any other requirements or restrictions placed directly on common carriers elsewhere in this subsection, shall not apply to a common carrier that is subject to a settlement agreement relating to tobacco product deliveries to consumers or, if any such settlement agreement to which the common carrier was a party is terminated or otherwise becomes inactive, is administering and enforcing, on a nationwide basis, policies and practices that are at least as stringent as any such agreement. For the purposes of this section, ‘settlement agreement’ shall be defined to include the Assurance of Discontinuance entered into by the Attorney General of New York and DHL Holdings USA, Inc. and DHL Express (USA), Inc. on or about July 1, 2005, the Assurance of Discontinuance entered into by the Attorney General of New York and United Parcel Service, Inc. on or about October 21, 2005, and the Assurance of Compliance entered into by the Attorney General of New York and Federal Express Corporation and FedEx Ground Package Systems, Inc. on or about February 3, 2006, so long as each is honored nationwide to block illegal deliveries of cigarettes or smokeless tobacco to consumers, and also includes any other active agreement between a common carrier and the States that operates nationwide to ensure that no deliveries of cigarettes and smokeless tobacco shall be made to consumers for illegally operating Internet or mail-order sellers and that any such deliveries to consumers shall not be made to minors or without payment to the States and localities where the consumers

are located of all taxes on the tobacco products.

“(3) SHIPMENTS FROM PERSONS ON LIST.—

“(A) IN GENERAL.—In the event that a common carrier or other delivery service delays or interrupts the delivery of a package it has in its possession because it determines or has reason to believe that the person ordering the delivery is on a list distributed under paragraph (1), and that clauses (i)(ii), and (iii) of paragraph (2)(a) do not apply.—

“(i) the person ordering the delivery shall be obligated to pay—

“(I) the common carrier or other delivery service as if the delivery of the package had been timely completed; and

“(II) if the package is not deliverable, any reasonable additional fee or charge levied by the common carrier or other delivery service to cover its extra costs and inconvenience and to serve as a disincentive against such noncomplying delivery orders; and

“(ii) if the package is determined not to be deliverable, the common carrier or other delivery service shall offer to provide the package and its contents to a Federal, State, or local law enforcement agency.

“(B) RECORDS.—A common carrier or other delivery service shall maintain, for a period of 5 years, any records kept in the ordinary course of business relating to any deliveries interrupted pursuant to this paragraph and provide that information, upon request, to the Attorney General or to the attorney general or chief law enforcement official or tax administrator of any State, local, or tribal government.

“(C) CONFIDENTIALITY.—Any person receiving records under subparagraph (B) shall use such records solely for the purposes of the enforcement of this Act and the collection of any taxes owed on related sales of cigarettes and smokeless tobacco, and shall keep confidential any personal information in such records not otherwise required for such purposes.

“(4) PREEMPTION.—

“(A) IN GENERAL.—No State, local, or tribal government, nor any political authority of 2 or more State, local, or tribal governments, may enact or enforce any law or regulation relating to delivery sales that restricts deliveries of cigarettes or smokeless tobacco to consumers by common carriers or other delivery services on behalf of delivery sellers by—

“(i) requiring that the common carrier or other delivery service verify the age or identity of the consumer accepting the delivery by requiring the person who signs to accept delivery of the shipping container to provide proof, in the form of a valid, government-issued identification bearing a photograph of the individual, that such person is at least the minimum age required for the legal sale or purchase of tobacco products, as determined by either State or local law at the place of delivery;

“(ii) requiring that the common carrier or other delivery service obtain a signature from the consumer accepting the delivery;

“(iii) requiring that the common carrier or other delivery service verify that all applicable taxes have been paid;

“(iv) requiring that packages delivered by the common carrier or other delivery service contain any particular labels, notice, or markings; or

“(v) prohibiting common carriers or other delivery services from making deliveries on the basis of whether the delivery seller is or is not identified on any list of delivery sellers maintained and distributed by any entity other than the Federal Government.

“(B) RELATIONSHIP TO OTHER LAWS.—Except as provided in subparagraph (C), nothing in this paragraph shall be construed to nullify,

expand, restrict, or otherwise amend or modify—

“(i) section 14501(c)(1) or 41713(b)(4) of title 49, United States Code;

“(ii) any other restrictions in Federal law on the ability of State, local, or tribal governments to regulate common carriers; or

“(iii) any provision of State, local, or tribal law regulating common carriers that is described in section 14501(c)(2) or 41713(b)(4)(B) of title 49 of the United States Code.

“(C) STATE LAWS PROHIBITING DELIVERY SALES.—Nothing in the Prevent All Cigarette Trafficking Act of 2009, the amendments made by that Act, or in any other Federal statute shall be construed to preempt, supersede, or otherwise limit or restrict State laws prohibiting the delivery sale, or the shipment or delivery pursuant to a delivery sale, of cigarettes or other tobacco products to individual consumers or personal residences except that no State may enforce against a common carrier a law prohibiting the delivery of cigarettes or other tobacco products to individual consumers or personal residences without proof that the common carrier is not exempt under paragraph (2)(C) of this subsection.

“(5) STATE, LOCAL, AND TRIBAL ADDITIONS.—

“(A) IN GENERAL.—Any State, local, or tribal government shall provide the Attorney General with—

“(i) all known names, addresses, website addresses, and other primary contact information of any delivery seller that offers for sale or makes sales of cigarettes or smokeless tobacco in or into the State, locality, or tribal land involved, but has failed to register with or make reports to the respective tax administrator as required by this Act, or that has been found in a legal proceeding to have otherwise failed to comply with this Act; and

“(ii) a list of common carriers and other persons who make deliveries of cigarettes or smokeless tobacco in or into the State, locality, or tribal land.

“(B) UPDATES.—Any government providing a list to the Attorney General under subparagraph (A) shall also provide updates and corrections every 4 months until such time as such government notifies the Attorney General in writing that such government no longer desires to submit such information to supplement the list maintained and distributed by the Attorney General under paragraph (1).

“(C) REMOVAL AFTER WITHDRAWAL.—Upon receiving written notice that a government no longer desires to submit information under subparagraph (A), the Attorney General shall remove from the list compiled under paragraph (1) any persons that are on the list solely because of such government's prior submissions of its list of noncomplying delivery sellers of cigarettes or smokeless tobacco or its subsequent updates and corrections.

“(6) DEADLINE TO INCORPORATE ADDITIONS.—The Attorney General shall—

“(A) include any delivery seller identified and submitted by a State, local, or tribal government under paragraph (5) in any list or update that is distributed or made available under paragraph (1) on or after the date that is 30 days after the date on which the information is received by the Attorney General; and

“(B) distribute any such list or update to any common carrier or other person who makes deliveries of cigarettes or smokeless tobacco that has been identified and submitted by a government pursuant to paragraph (5).

“(7) NOTICE TO DELIVERY SELLERS.—Not later than 14 days prior to including any delivery seller on the initial list distributed or

made available under paragraph (1), or on any subsequent list or update for the first time, the Attorney General shall make a reasonable attempt to send notice to the delivery seller by letter, electronic mail, or other means that the delivery seller is being placed on such list or update, with that notice citing the relevant provisions of this Act.

“(8) LIMITATIONS.—

“(A) IN GENERAL.—Any common carrier or other person making a delivery subject to this subsection shall not be required or otherwise obligated to—

“(i) determine whether any list distributed or made available under paragraph (1) is complete, accurate, or up-to-date;

“(ii) determine whether a person ordering a delivery is in compliance with this Act; or

“(iii) open or inspect, pursuant to this Act, any package being delivered to determine its contents.

“(B) ALTERNATE NAMES.—Any common carrier or other person making a delivery subject to this subsection shall not be required to make any inquiries or otherwise determine whether a person ordering a delivery is a delivery seller on the list under paragraph (1) who is using a different name or address in order to evade the related delivery restrictions, but shall not knowingly deliver any packages to consumers for any such delivery seller who the common carrier or other delivery service knows is a delivery seller who is on the list under paragraph (1) but is using a different name or address to evade the delivery restrictions of paragraph (2).

“(C) PENALTIES.—Any common carrier or person in the business of delivering packages on behalf of other persons shall not be subject to any penalty under section 14101(a) of title 49, United States Code, or any other provision of law for—

“(i) not making any specific delivery, or any deliveries at all, on behalf of any person on the list under paragraph (1);

“(ii) refusing, as a matter of regular practice and procedure, to make any deliveries, or any deliveries in certain States, of any cigarettes or smokeless tobacco for any person or for any person not in the business of manufacturing, distributing, or selling cigarettes or smokeless tobacco; or

“(iii) delaying or not making a delivery for any person because of reasonable efforts to comply with this Act.

“(D) OTHER LIMITS.—Section 2 and subsections (a), (b), (c), and (d) of this section shall not be interpreted to impose any responsibilities, requirements, or liability on common carriers.

“(f) PRESUMPTION.—For purposes of this Act, a delivery sale shall be deemed to have occurred in the State and place where the buyer obtains personal possession of the cigarettes or smokeless tobacco, and a delivery pursuant to a delivery sale is deemed to have been initiated or ordered by the delivery seller.”

(d) PENALTIES.—The Jenkins Act is amended by striking section 3 and inserting the following:

“SEC. 3. PENALTIES.

“(a) CRIMINAL PENALTIES.—

“(1) IN GENERAL.—Except as provided in paragraph (2), whoever knowingly violates any provision of this Act shall be guilty of a felony and shall be imprisoned not more than 3 years, fined under title 18, United States Code, or both.

“(2) EXCEPTIONS.—

“(A) GOVERNMENTS.—Paragraph (1) shall not apply to a State, local, or tribal government.

“(B) DELIVERY VIOLATIONS.—A common carrier or independent delivery service, or employee of a common carrier or inde-

pendent delivery service, shall be subject to criminal penalties under paragraph (1) for a violation of section 2A(e) only if the violation is committed knowingly—

“(i) as consideration for the receipt of, or as consideration for a promise or agreement to pay, anything of pecuniary value; or

“(ii) for the purpose of assisting a delivery seller to violate, or otherwise evading compliance with, section 2A.

“(b) CIVIL PENALTIES.—

“(1) IN GENERAL.—Except as provided in paragraph (3), whoever violates any provision of this Act shall be subject to a civil penalty in an amount not to exceed—

“(A) in the case of a delivery seller, the greater of—

“(i) \$5,000 in the case of the first violation, or \$10,000 for any other violation; or

“(ii) for any violation, 2 percent of the gross sales of cigarettes or smokeless tobacco of such person during the 1-year period ending on the date of the violation.

“(B) in the case of a common carrier or other delivery service, \$2,500 in the case of a first violation, or \$5,000 for any violation within 1 year of a prior violation.

“(2) RELATION TO OTHER PENALTIES.—A civil penalty imposed under paragraph (1) for a violation of this Act shall be imposed in addition to any criminal penalty under subsection (a) and any other damages, equitable relief, or injunctive relief awarded by the court, including the payment of any unpaid taxes to the appropriate Federal, State, local, or tribal governments.

“(3) EXCEPTIONS.—

“(A) DELIVERY VIOLATIONS.—An employee of a common carrier or independent delivery service shall be subject to civil penalties under paragraph (1) for a violation of section 2A(e) only if the violation is committed intentionally—

“(i) as consideration for the receipt of, or as consideration for a promise or agreement to pay, anything of pecuniary value; or

“(ii) for the purpose of assisting a delivery seller to violate, or otherwise evading compliance with, section 2A.

“(B) OTHER LIMITATIONS.—No common carrier or independent delivery service shall be subject to civil penalties under paragraph (1) for a violation of section 2A(e) if—

“(i) the common carrier or independent delivery service has implemented and enforces effective policies and practices for complying with that section; or

“(ii) the violation consists of an employee of the common carrier or independent delivery service who physically receives and processes orders, picks up packages, processes packages, or makes deliveries, taking actions that are outside the scope of employment of the employee, or that violate the implemented and enforced policies of the common carrier or independent delivery service described in clause (i).”

(e) ENFORCEMENT.—The Jenkins Act is amended by striking section 4 and inserting the following:

“SEC. 4. ENFORCEMENT.

“(a) IN GENERAL.—The United States district courts shall have jurisdiction to prevent and restrain violations of this Act and to provide other appropriate injunctive or equitable relief, including money damages, for such violations.

“(b) AUTHORITY OF THE ATTORNEY GENERAL.—The Attorney General shall administer and enforce the provisions of this Act.

“(c) STATE, LOCAL, AND TRIBAL ENFORCEMENT.—

“(1) IN GENERAL.—

“(A) STANDING.—A State, through its attorney general, or a local government or Indian tribe that levies a tax subject to section 2A(a)(3), through its chief law enforcement

officer, may bring an action in a United States district court to prevent and restrain violations of this Act by any person or to obtain any other appropriate relief from any person for violations of this Act, including civil penalties, money damages, and injunctive or other equitable relief.

“(B) SOVEREIGN IMMUNITY.—Nothing in this Act shall be deemed to abrogate or constitute a waiver of any sovereign immunity of a State or local government or Indian tribe against any unconscionable lawsuit under this Act, or otherwise to restrict, expand, or modify any sovereign immunity of a State or local government or Indian tribe.

“(2) PROVISION OF INFORMATION.—A State, through its attorney general, or a local government or Indian tribe that levies a tax subject to section 2A(a)(3), through its chief law enforcement officer, may provide evidence of a violation of this Act by any person not subject to State, local, or tribal government enforcement actions for violations of this Act to the Attorney General or a United States attorney, who shall take appropriate actions to enforce the provisions of this Act.

“(3) USE OF PENALTIES COLLECTED.—

“(A) IN GENERAL.—There is established a separate account in the Treasury known as the ‘PACT Anti-Trafficking Fund’. Notwithstanding any other provision of law and subject to subparagraph (B), an amount equal to 50 percent of any criminal and civil penalties collected by the United States Government in enforcing the provisions of this Act shall be transferred into the PACT Anti-Trafficking Fund and shall be available to the Attorney General for purposes of enforcing the provisions of this Act and other laws relating to contraband tobacco products.

“(B) ALLOCATION OF FUNDS.—Of the amount available to the Attorney General under subparagraph (A), not less than 50 percent shall be made available only to the agencies and offices within the Department of Justice that were responsible for the enforcement actions in which the penalties concerned were imposed or for any underlying investigations.

“(4) NONEXCLUSIVITY OF REMEDY.—

“(A) IN GENERAL.—The remedies available under this section and section 3 are in addition to any other remedies available under Federal, State, local, tribal, or other law.

“(B) STATE COURT PROCEEDINGS.—Nothing in this Act shall be construed to expand, restrict, or otherwise modify any right of an authorized State official to proceed in State court, or take other enforcement actions, on the basis of an alleged violation of State or other law.

“(C) TRIBAL COURT PROCEEDINGS.—Nothing in this Act shall be construed to expand, restrict, or otherwise modify any right of an authorized Indian tribal government official to proceed in tribal court, or take other enforcement actions, on the basis of an alleged violation of tribal law.

“(D) LOCAL GOVERNMENT ENFORCEMENT.—Nothing in this Act shall be construed to expand, restrict, or otherwise modify any right of an authorized local government official to proceed in State court, or take other enforcement actions, on the basis of an alleged violation of local or other law.

“(d) PERSONS DEALING IN TOBACCO PRODUCTS.—Any person who holds a permit under section 5712 of the Internal Revenue Code of 1986 (regarding permitting of manufacturers and importers of tobacco products and export warehouse proprietors) may bring an action in an appropriate United States district court to prevent and restrain violations of this Act by any person other than a State, local, or tribal government.

“(e) NOTICE.—

“(1) PERSONS DEALING IN TOBACCO PRODUCTS.—Any person who commences a civil action under subsection (d) shall inform the Attorney General of the action.

“(2) STATE, LOCAL, AND TRIBAL ACTIONS.—It is the sense of Congress that the attorney general of any State, or chief law enforcement officer of any locality or tribe, that commences a civil action under this section should inform the Attorney General of the action.

“(f) PUBLIC NOTICE.—

“(1) IN GENERAL.—The Attorney General shall make available to the public, by posting such information on the Internet and by other appropriate means, information regarding all enforcement actions brought by the United States, or reported to the Attorney General, under this section, including information regarding the resolution of such actions and how the Attorney General has responded to referrals of evidence of violations pursuant to subsection (c)(2).

“(2) REPORTS TO CONGRESS.—The Attorney General shall submit to Congress, one year after the date of the enactment of the Prevent All Cigarette Trafficking Act of 2009, at the end of each of the four succeeding 1-year periods, a report containing the information described in paragraph (1).”

SEC. 3. TREATMENT OF CIGARETTES AND SMOKELESS TOBACCO AS NONMAILABLE MATTER.

(a) IN GENERAL.—Chapter 83 of title 18, United States Code, is amended by inserting after section 1716D the following:

“§ 1716E. Tobacco products as nonmailable

“(a) PROHIBITION.—All cigarettes and smokeless tobacco (as those terms are defined in section 1 of the Act of October 19, 1949, commonly referred to as the Jenkins Act) are nonmailable and shall not be deposited in or carried through the mails. The United States Postal Service shall not accept for delivery or transmit through the mails any package that it knows or has reasonable cause to believe contains any cigarettes or smokeless tobacco made nonmailable by this subsection. For the purposes of subsection (a) reasonable cause includes—

“(1) a statement on a publicly available website, or an advertisement, by any person that such person will mail matter which is nonmailable under this section in return for payment; or

“(2) the placement of the person on the list created under section 2A(e) of the Jenkins Act.

“(b) EXCEPTIONS.—This section shall not apply to the following:

“(1) CIGARS.—Cigars (as that term is defined in section 5702(a) of the Internal Revenue Code of 1986).

“(2) GEOGRAPHIC EXCEPTION.—Mailings within the State of Alaska or within the State of Hawaii.

“(3) BUSINESS PURPOSES.—Tobacco products mailed only for business purposes between legally operating businesses that have all applicable State and Federal Government licenses or permits and are engaged in tobacco product manufacturing, distribution, wholesale, export, import, testing, investigation, or research, or for regulatory purposes between any such businesses and State or Federal Government regulatory agencies, pursuant to a final rule that the Postal Service shall issue, not later than 180 days after the date of the enactment of the Prevent All Cigarette Trafficking Act of 2009, which shall establish the standards and requirements that apply to all such mailings, which shall include the following:

“(A) The Postal Service shall verify that any person submitting an otherwise nonmailable tobacco product into the mails as

authorized by this paragraph is a business or government agency permitted to make such mailings pursuant to this section and the related final rule.

“(B) The Postal Service shall ensure that any recipient of an otherwise nonmailable tobacco product sent through the mails pursuant to this paragraph is a business or government agency that may lawfully receive such product.

“(C) The mailings shall be sent through the Postal Service's systems that provide for the tracking and confirmation of the delivery.

“(D) The identities of the business or government entity submitting the mailing containing otherwise nonmailable tobacco products for delivery and the business or government entity receiving the mailing shall be clearly set forth on the package and such information shall be kept in Postal Service records and made available to the Postal Service, the Attorney General, and to persons eligible to bring enforcement actions pursuant to section 3(d) of the Prevent All Cigarette Trafficking Act of 2009 for a period of at least three years thereafter.

“(E) The mailings shall be marked with a Postal Service label or marking that makes it clear to Postal Service employees that it is a permitted mailing of otherwise nonmailable tobacco products that may be delivered only to a permitted government agency or business and may not be delivered to any residence or individual person.

“(F) The mailing shall be delivered only to a verified adult employee of the recipient business or government agency, who shall be required to sign for the mailing.

“(4) CERTAIN INDIVIDUALS.—Tobacco products mailed by adult individuals for non-commercial purposes, including the return of a damaged or unacceptable tobacco product to its manufacturer, pursuant to a final rule that the Postal Service shall issue, not later than 180 days after the date of the enactment of the Prevent All Cigarette Trafficking Act of 2009, which shall establish the standards and requirements that apply to all such mailings, which shall include the following:

“(A) The Postal Service shall verify that any person submitting an otherwise nonmailable tobacco product into the mails as authorized by this section is the individual identified on the return address label of the package and is an adult.

“(B) For a mailing to an individual, the Postal Service shall require the person submitting the otherwise nonmailable tobacco product into the mails as authorized by this subsection to affirm that the recipient is an adult.

“(C) The package shall not weigh more than 10 ounces.

“(D) The mailing shall be sent through the Postal Service's systems that provide for the tracking and confirmation of the delivery.

“(E) No package shall be delivered or placed in the possession of any individual who is not a verified adult. For a mailing to an individual, the Postal Service shall deliver the package only to the verified adult recipient at the recipient address or transfer it for delivery to an Air/Army Postal Office (APO) or Fleet Postal Office (FPO) number designated in the recipient address.

“(F) No person shall initiate more than ten such mailings in any thirty-day period.

“(5) EXCEPTION FOR MAILINGS FOR CONSUMER TESTING BY MANUFACTURERS.—Subject to paragraph (8), nothing in this Act shall preclude a legally operating cigarette manufacturer operating on its own or through its legally authorized agent from using the Postal Service to mail cigarettes to verified adult smokers solely for consumer testing purposes, provided that—

“(A) the cigarette manufacturer has a federal permit, in good standing, pursuant to section 5713 of the Internal Revenue Code of 1986;

“(B) any package of cigarettes mailed pursuant to this paragraph shall contain no more than 12 packs of cigarettes (240 cigarettes);

“(C) no individual shall receive more than 1 package of cigarettes per manufacturer pursuant to this paragraph in any 30-day period;

“(D) all taxes on the cigarettes levied by the State and locality of delivery have been paid to the State and locality prior to delivery, and tax stamps or other tax-payment indicia have been affixed to the cigarettes as required by law;

“(E)(i) the recipient has not made any payments of any kind in exchange for receiving the cigarettes;

“(ii) the recipient is paid a fee by the manufacturer or manufacturer's agent for participation in consumer product tests; and

“(iii) the recipient, in connection with the tests, evaluates the cigarettes and provides feedback to the manufacturer or agent;

“(F) the mailing is made pursuant to a final rule that the Postal Service shall issue, not later than 180 days after the date of the enactment of the Prevent All Cigarette Trafficking Act of 2009, which shall establish standards and requirements that apply to all such mailings, which shall include the following:

“(i) The Postal Service shall verify that any person submitting a tobacco product into the mails pursuant to this paragraph is a manufacturer permitted to make such mailings pursuant to this paragraph, or an agent legally authorized by the manufacturer to submit the tobacco product into the mails on the manufacturer's behalf.

“(ii) The Postal Service shall require the manufacturer submitting the cigarettes into the mails pursuant to this paragraph to affirm that the manufacturer or its legally authorized agent has verified that the recipient is an adult established smoker who has not made any payment for the cigarettes, has formally stated in writing that he or she wishes to receive such mailings, and has not withdrawn that agreement despite being offered the opportunity to do so by the manufacturer or its legally authorized agent at least once in every 3-month period.

“(iii) The Postal Service shall require the manufacturer or its legally authorized agent submitting the cigarettes into the mails pursuant to this paragraph to affirm that the package contains no more than 12 packs of cigarettes (240 cigarettes) on which all taxes levied on the cigarettes by the State and locality of delivery have been paid and all related State tax stamps or other tax-payment indicia have been applied.

“(iv) The mailings shall be sent through the Postal Service's systems that provide for the tracking and confirmation of the delivery and all related records shall be kept in Postal Service records and made available to persons enforcing this section for a period of at least 3 years thereafter.

“(v) The mailing shall be marked with a Postal Service label or marking that makes it clear to Postal Service employees that it is a permitted mailing of otherwise non-mailable tobacco products that may be delivered only to the named recipient after verifying that the recipient is an adult.

“(vi) The Postal Service shall deliver the mailing only to the named recipient and only after verifying that the recipient is an adult.

“(6) DEFINITION OF CONSUMER TESTING.—For purposes of this Act, the term ‘consumer testing’ means testing limited to formal data collection and analysis for the specific pur-

pose of evaluating the product for quality assurance and benchmarking purposes of cigarette brands or sub-brands among existing adult smokers.

“(7) DEFINITION OF ADULT.—For purposes of paragraph (5), the term ‘adult’ means an individual of at least 21 years of age. For purposes of paragraphs (3) and (4), the term ‘adult’ means an individual of at least the minimum age required for the legal sale or purchase of tobacco products as determined by applicable law at the place the individual is located.

“(8) LIMITATIONS.—Paragraph (5) shall not—

“(A) permit a mailing of cigarettes to an individual located in any State that prohibits the delivery or shipment of cigarettes to individuals in the State, or preempt, limit, or otherwise affect any related State laws; or

“(B) permit a manufacturer, directly or through a legally authorized agent, to mail cigarettes in any calendar years in a cumulative amount greater than one percent of its total cigarette sales in the United States in the previous calendar year.

“(9) UNITED STATES GOVERNMENT AGENCIES.—Agencies of the United States Government involved in the consumer testing of tobacco products solely for public health purposes may make mailings pursuant to the same requirements, restrictions, and Postal Service rules and procedures that apply to consumer testing mailings of cigarettes by manufacturers under paragraph (5), except that no such agency shall be required to pay the recipients for participating in the consumer testing.

“(c) SEIZURE AND FORFEITURE.—Any cigarettes or smokeless tobacco made non-mailable by this subsection that are deposited in the mails shall be subject to seizure and forfeiture, pursuant to the procedures set forth in chapter 46 of this title. Any tobacco products so seized and forfeited shall either be destroyed or retained by Government officials for the detection or prosecution of crimes or related investigations and then destroyed.

“(d) ADDITIONAL PENALTIES.—In addition to any other fines and penalties imposed by this Act for violations of this section, any person violating this section shall be subject to an additional civil penalty in the amount of 10 times the retail value of the non-mailable cigarettes or smokeless tobacco, including all Federal, State, and local taxes.

“(e) CRIMINAL PENALTY.—Whoever knowingly deposits for mailing or delivery, or knowingly causes to be delivered by mail, according to the direction thereon, or at any place at which it is directed to be delivered by the person to whom it is addressed, anything that this section declares to be non-mailable matter shall be fined under this title, imprisoned not more than 1 year, or both.

“(f) DEFINITION.—As used in this section, the term ‘State’ has the meaning given that term in section 1716(k).

“(g) USE OF PENALTIES.—There is established a separate account in the Treasury of the United States, to be known as the ‘PACT Postal Service Fund’. Notwithstanding any other provision of law, an amount equal to 50 percent of any criminal and civil fines or monetary penalties collected by the United States Government in enforcing the provisions of this subsection shall be transferred into the PACT Postal Service Fund and shall be available to the Postmaster General for the purpose of enforcing the provisions of this subsection.

“(h) COORDINATION OF EFFORTS.—In the enforcement of this section, the Postal Service shall cooperate and coordinate its efforts with related enforcement activities of any

other Federal agency or of any State, local, or tribal government, whenever appropriate.”.

(b) ACTIONS BY STATE, LOCAL OR TRIBAL GOVERNMENTS RELATING TO CERTAIN TOBACCO PRODUCTS.—

(1) A State, through its attorney general, or a local government or Indian tribe that levies an excise tax on tobacco products, through its chief law enforcement officer, may in a civil action in a United States district court obtain appropriate relief with respect to a violation of section 1716E of title 18, United States Code. Appropriate relief includes injunctive and equitable relief and damages equal to the amount of unpaid taxes on tobacco products mailed in violation of that section to addressees in that State.

(2) Nothing in this section shall be deemed to abrogate or constitute a waiver of any sovereign immunity of a State or local government or Indian tribe against any unconsented lawsuit under paragraph (1), or otherwise to restrict, expand, or modify any sovereign immunity of a State or local government or Indian tribe.

(3) Nothing in this section shall be construed to prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of any general civil or criminal statute of such State.

(4) A State, through its attorney general, or a local government or Indian tribe that levies an excise tax on tobacco products, through its chief law enforcement officer, may provide evidence of a violation of paragraph (1) for commercial purposes by any person not subject to State, local, or tribal government enforcement actions for violations of paragraph (1) to the Attorney General, who shall take appropriate actions to enforce the provisions of this subsection.

(5) The remedies available under this subsection are in addition to any other remedies available under Federal, State, local, tribal, or other law. Nothing in this subsection shall be construed to expand, restrict, or otherwise modify any right of an authorized State, local, or tribal government official to proceed in a State, tribal, or other appropriate court, or take other enforcement actions, on the basis of an alleged violation of State, local, tribal, or other law.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 83 of title 18 is amended by adding after the item relating to section 1716D the following new item:

“1716E. Tobacco products as nonmailable.”.

SEC. 4. COMPLIANCE WITH MODEL STATUTE OR QUALIFYING STATUTE.

(a) IN GENERAL.—A Tobacco Product Manufacturer or importer may not sell in, deliver to, or place for delivery sale, or cause to be sold in, delivered to, or placed for delivery sale in a State that is a party to the Master Settlement Agreement, any cigarette manufactured by a Tobacco Product Manufacturer that is not in full compliance with the terms of the Model Statute or Qualifying Statute enacted by such State requiring funds to be placed into a qualified escrow account under specified conditions, and with any regulations promulgated pursuant to such statute.

(b) JURISDICTION TO PREVENT AND RESTRAIN VIOLATIONS.—

(1) IN GENERAL.—The United States district courts shall have jurisdiction to prevent and restrain violations of subsection (a) in accordance with this subsection.

(2) INITIATION OF ACTION.—A State, through its attorney general, may bring an action in an appropriate United States district court to prevent and restrain violations of subsection (a) by any person.

(3) ATTORNEY FEES.—In any action under paragraph (2), a State, through its attorney

general, shall be entitled to reasonable attorney fees from a person found to have knowingly violated subsection (a).

(4) **NONEXCLUSIVITY OF REMEDIES.**—The remedy available under paragraph (2) is in addition to any other remedies available under Federal, State, or other law. No provision of this Act or any other Federal law shall be held or construed to prohibit or preempt the Master Settlement Agreement, the Model Statute (as defined in the Master Settlement Agreement), any legislation amending or complementary to the Model Statute in effect as of June 1, 2006, or any legislation substantially similar to such existing, amending, or complementary legislation hereinafter enacted.

(5) **OTHER ENFORCEMENT ACTIONS.**—Nothing in this subsection shall be construed to prohibit an authorized State official from proceeding in State court or taking other enforcement actions on the basis of an alleged violation of State or other law.

(6) **AUTHORITY OF THE ATTORNEY GENERAL.**—The Attorney General may bring an action in an appropriate United States district court to prevent and restrain violations of subsection (a) by any person.

(c) **DEFINITIONS.**—In this section the following definitions apply:

(1) **DELIVERY SALE.**—The term “delivery sale” means any sale of cigarettes or smokeless tobacco to a consumer if—

(A) the consumer submits the order for such sale by means of a telephone or other method of voice transmission, the mails, or the Internet or other online service, or the seller is otherwise not in the physical presence of the buyer when the request for purchase or order is made; or

(B) the cigarettes or smokeless tobacco are delivered to the buyer by common carrier, private delivery service, or other method of remote delivery, or the seller is not in the physical presence of the buyer when the buyer obtains possession of the cigarettes or smokeless tobacco.

(2) **IMPORTER.**—The term “importer” means each of the following:

(A) **SHIPPING OR CONSIGNING.**—Any person in the United States to whom nontaxpaid tobacco products manufactured in a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States are shipped or consigned.

(B) **MANUFACTURING WAREHOUSES.**—Any person who removes cigars or cigarettes for sale or consumption in the United States from a customs-bonded manufacturing warehouse.

(C) **UNLAWFUL IMPORTING.**—Any person who smuggles or otherwise unlawfully brings tobacco products into the United States.

(3) **MASTER SETTLEMENT AGREEMENT.**—The term “Master Settlement Agreement” means the agreement executed November 23, 1998, between the attorneys general of 46 States, the District of Columbia, the Commonwealth of Puerto Rico, and 4 territories of the United States and certain tobacco manufacturers.

(4) **MODEL STATUTE; QUALIFYING STATUTE.**—The terms “Model Statute” and “Qualifying Statute” means a statute as defined in section IX(d)(2)(e) of the Master Settlement Agreement.

(5) **TOBACCO PRODUCT MANUFACTURER.**—The term “Tobacco Product Manufacturer” has the meaning given that term in section II(uu) of the Master Settlement Agreement.

SEC. 5. INSPECTION BY BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES OF RECORDS OF CERTAIN CIGARETTE AND SMOKELESS TOBACCO SELLERS; CIVIL PENALTY.

Section 2343(c) of title 18, United States Code, is amended to read as follows:

“(c)(1) Any officer of the Bureau of Alcohol, Tobacco, Firearms, and Explosives may, during normal business hours, enter the premises of any person described in subsection (a) or (b) for the purposes of inspecting—

“(A) any records or information required to be maintained by such person under the provisions of law referred to in this chapter; or

“(B) any cigarettes or smokeless tobacco kept or stored by such person at such premises.

“(2) The district courts of the United States shall have the authority in a civil action under this subsection to compel inspections authorized by paragraph (1).

“(3) Whoever denies access to an officer under paragraph (1), or who fails to comply with an order issued under paragraph (2), shall be subject to a civil penalty in an amount not to exceed \$10,000.”

SEC. 6. EXCLUSIONS REGARDING INDIAN TRIBES AND TRIBAL MATTERS.

(a) **IN GENERAL.**—Nothing in this Act or the amendments made by this Act shall be construed to amend, modify, or otherwise affect—

(1) any agreements, compacts, or other intergovernmental arrangements between any State or local government and any government of an Indian tribe (as that term is defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)) relating to the collection of taxes on cigarettes or smokeless tobacco sold in Indian country;

(2) any State laws that authorize or otherwise pertain to any such intergovernmental arrangements or create special rules or procedures for the collection of State, local, or tribal taxes on cigarettes or smokeless tobacco sold in Indian country;

(3) any limitations under Federal or State law, including Federal common law and treaties, on State, local, and tribal tax and regulatory authority with respect to the sale, use, or distribution of cigarettes and smokeless tobacco by or to Indian tribes, tribal members, tribal enterprises, or in Indian country;

(4) any Federal law, including Federal common law and treaties, regarding State jurisdiction, or lack thereof, over any tribe, tribal members, tribal enterprises, tribal reservations, or other lands held by the United States in trust for one or more Indian tribes; and

(5) any State or local government authority to bring enforcement actions against persons located in Indian country.

(b) **COORDINATION OF LAW ENFORCEMENT.**—Nothing in this Act or the amendments made by this Act shall be construed to inhibit or otherwise affect any coordinated law enforcement effort by 1 or more States or other jurisdictions, including Indian tribes, through interstate compact or otherwise, that—

(1) provides for the administration of tobacco product laws or laws pertaining to interstate sales or other sales of tobacco products;

(2) provides for the seizure of tobacco products or other property related to a violation of such laws; or

(3) establishes cooperative programs for the administration of such laws.

(c) **TREATMENT OF STATE AND LOCAL GOVERNMENTS.**—Nothing in this Act or the amendments made by this Act shall be construed to authorize, deputize, or commission States or local governments as instrumentalities of the United States.

(d) **ENFORCEMENT WITHIN INDIAN COUNTRY.**—Nothing in this Act or the amendments made by this Act shall prohibit, limit, or restrict enforcement by the Attorney

General of the provisions herein within Indian country.

(e) **AMBIGUITY.**—Any ambiguity between the language of this section or its application and any other provision of this Act shall be resolved in favor of this section.

SEC. 7. ENHANCED CONTRABAND TOBACCO ENFORCEMENT.

(a) **REQUIREMENTS.**—The Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives shall—

(1) create 6 regional contraband tobacco trafficking teams over a 3-year period in New York City, Washington DC, Detroit, Los Angeles, Seattle, and Miami,

(2) create a new Tobacco Intelligence Center to oversee investigations and monitor and coordinate ongoing investigations and to serve as a nerve center for all ongoing tobacco diversion investigations within the Bureau of Alcohol, Tobacco, Firearms, and Explosives, in the United States and, where applicable, with law enforcement organizations around the world,

(3) establish a covert national warehouse for undercover operations, and

(4) create a computer database that will track and analyze information from retail sellers of tobacco products that sell through the Internet or by mail order or make other non-face-to-face sales.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out subsection (a) \$8,500,000 for each of the 5 fiscal years beginning with fiscal year 2010.

SEC. 8. EFFECTIVE DATE.

(a) **IN GENERAL.**—Except as provided in subsection (b), this Act shall take effect on the date that is 90 days after the date of enactment of this Act.

(b) **BATFE AUTHORITY.**—Section 5 shall take effect on the date of enactment of this Act.

SEC. 9. SEVERABILITY.

If any provision of this Act, or any amendment made by this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of the Act and the application of the Act to any other person or circumstance shall not be affected thereby.

SEC. 10. SENSE OF CONGRESS CONCERNING THE PRECEDENTIAL EFFECT OF THIS ACT.

It is the sense of Congress that unique harms are associated with online cigarette sales, including problems with verifying the ages of consumers in the digital market and the long-term health problems associated with the use of certain tobacco products. This Act was enacted recognizing the longstanding interest of Congress in urging compliance with States' laws regulating remote sales of certain tobacco products to citizens of those States, including the passage of the Jenkins Act over 50 years ago, which established reporting requirements for out-of-State companies that sell certain tobacco products to citizens of the taxing States, and which gave authority to the Department of Justice and the Bureau of Alcohol, Tobacco, Firearms, and Explosives to enforce the Jenkins Act. In light of the unique harms and circumstances surrounding the online sale of certain tobacco products, this Act is intended to help collect cigarette excise taxes, to stop tobacco sales to underage youth, and to help the States enforce their laws that target the online sales of certain tobacco products only. This Act is in no way meant to create a precedent regarding the collection of State sales or use taxes by, or the validity of efforts to impose other types of taxes on, out-of-State entities that do not have a physical presence within the taxing State.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. WEINER) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. WEINER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. WEINER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as States and localities face increasing pressure on their budgets around the country, there is one source of revenue that not only raises money for those localities but also performs an important health function, and that is to provide taxation on packs of cigarettes. The taxation varies dramatically from State to State, and, frankly, in New York State we have the highest State tax in the Nation, \$2.75 a pack, and the highest local tax as well. We have a \$4.25 per pack. In some places it's much lower.

But every State in the union has some taxation that they put on their tobacco products, and it is collected, by and large, by wholesalers that put a tax stamp on. Most citizens, when they go out and purchase their cigarettes, do so legally, pay the tax, and there is no problem.

However, as the taxes have gone up, we have unwittingly created a large and growing black market for smuggled tobacco products. And this legislation, which has bipartisan support in the Judiciary Committee and in this House, seeks to solve that problem. It does so in a number of ways.

One, it makes it much more difficult for someone to sell tobacco over the Internet. Right now, UPS, DHL, the common carriers all are under agreement that they, themselves, are saying, We are not going to ship tobacco across the Internet because too often it's used as a way to avoid paying the taxes. There is one common carrier, the Postal Service, which still permits it. That is the carrier of choice for the overwhelming number of illegally smuggled cigarettes. And, frankly, the Postal Service has said, Congress, if you want us not to ship those cigarettes, you've got to tell us in a law that you want us not to. That's what we are doing today.

Also, it increases the penalties under the Jenkins Act. If someone is going to seek to avoid paying tobacco taxes, violating the Jenkins Act is going to be a felony under this act. It is going to make it a requirement that sellers of Internet tobacco verify the purchaser's age and identify them through easily accessible databases, which is, in many cases, going to put some of these

Internet tobacco carriers out of business.

This is not only a matter of revenue, though, Mr. Speaker. This is also the source for a black market that has emerged that, according to the GAO, has allowed organizations as nefarious as Hezbollah to make the money on the float: buying tobacco, say, in South Carolina, driving it to Michigan, taking money that they saved by not charging people the tax, and taking that money and exporting it to fund terrorist activities. That is not a hypothetical. That's something that the GAO actually found to have happened.

So I urge my colleagues to support this. This has broad support. We have worked very hard, that even organizations as disparate as the wholesale marketers, Phillip Morris, the National Association of Attorneys General, Lorillard, and the Campaign for Tobacco-Free Kids, all are supporters of the PACT Act.

I reserve the balance of my time.

Mr. POE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank my colleague and friend on the Judiciary Committee, Mr. WEINER, for introducing H.R. 1676, the Prevent All Cigarette Trafficking or PACT Act. This bipartisan legislation will help Federal, State, and local law enforcement officials combat cigarette smuggling and trafficking in the United States.

Tobacco smuggling has become one of the most prevalent forms of smuggling in recent years in our country. Its effects are not felt only in the United States but other parts of the world as well.

The World Health Organization estimates that illegal cigarettes account for 10.7 percent, or approximately 600 billion cigarettes, of the more than 5.7 trillion cigarettes sold globally each year.

According to a study by the World Bank, cigarettes are appealing to smugglers because taxes typically account for a large portion of the price, making it highly profitable to traffic them for resale at a reduced price.

Tobacco smuggling traditionally involves the diversion of large quantities of cigarettes from wholesale distribution into the black market. This typically occurs during the transit of the cigarettes, thus allowing the traffickers to avoid most, if not all, taxes that will be imposed at retail on the cigarettes.

The profits from tobacco trafficking can be and likely are used to finance other illegal activities such as organized crime and drug trafficking syndicates. In addition to the sale of smuggled tobacco on the black market, it deprives States of significant amounts of tax revenue every year.

Over the last 15 years, cigarette taxes have increased more than 65 percent throughout the United States; yet, during this same time, States' tax revenues increased by only 35 percent.

California officials estimate that taxes are unpaid on about 15 percent of all tobacco sold in its markets at a cost of \$276 million every year. In a recently released study, the State of New York put its losses at more than \$576 million per year.

The State of Texas raised cigarette taxes recently, and this increase is supposed to generate an additional \$800 million in revenue for the State.

This bill would help to ensure that States like California, New York, and Texas receive or recover tax revenue that is due them by people who buy cigarettes.

Two senior ranking members of the Judiciary Committee, Ranking Member SMITH and Mr. WEINER, have teamed together to cosponsor the PACT Act for the second consecutive Congress.

In the 110th Congress, this House passed similar legislation on a suspension calendar; however, our colleagues in the Senate did not ever take up the bill.

H.R. 1676 varies slightly from the previous legislation passed by the 110th Congress. Provisions that were under the jurisdiction of the Oversight and Government Reform Committee have been removed.

This bill also contains an authorization for additional funding for anticigarette trafficking efforts for the Bureau of Alcohol, Tobacco, Firearms and Explosives.

This bipartisan legislation closes loopholes in current tobacco trafficking laws, provides law enforcement with new tools to combat innovative methods being used by the cigarette traffickers to distribute their products, and bolsters the States' ability to enforce State law.

I urge all my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. WEINER. I thank the gentleman for his leadership on this and so many issues on the Judiciary Committee.

It is indeed the fact that a lot of these Web sites continue to exist because they provide delivery by the United States Postal Service. The irony here is that UPS, FedEx, DHL, the big carriers have entered into an agreement with the State of New York that they are now following in all 50 States that they won't transport those tobacco products because there is a reasonable expectation that these Web sites are operating, and often brag about the idea that, if you go shopping for tobacco on the Internet, you're not going to have to pay the taxes.

□ 1330

Well, we need to stop that activity. You can be against the high taxes in some States, or in favor of them. I think that the States, in their sovereign responsibility, have the right to come up with their own levels of taxation. But I think that we should all be able to agree that right now there is a

giant truck-sized loophole that exists in the law that allows many people to avoid paying the taxes and allows the funds to go to nefarious hands.

According to the GAO, Hezbollah raised \$1.5 million from the sale of illegal tobacco in the 5 years 1996 through 2000. The largest case that they found was that millions of dollars of cigarettes were smuggled to Michigan from North Carolina in 1996—seized cigarettes and property and currency worth \$2 million and proceeds that had been transferred to Beirut.

But it's more obviously often smaller bore problems that have been created as well; that if you have people who are increasingly seeking, because of the large amount of taxation that there is on many of these products, a lot of the programs in our States that are funded theoretically from the tax revenues from tobacco are seeing shortfalls. In fact, we're reaching a point now where the rising tobacco tax rights are producing less revenue in some States.

Some people thump their chest and say, Isn't that great. We have less smoking. But if you look at the back end, you see that the wholesalers and the manufacturers are still sending the same number of cigarettes out; we're just not collecting the revenues for it.

I want to offer my gratitude to Mr. SCOTT for his chairmanship on the Crime Subcommittee, through which the bill passed. I also want to express gratitude to many members of the staff who have worked to make not only the bill work, but also the compromises and changes that we made.

Mr. COBLE, for example, was concerned that we wanted to allow some of the smaller test brands to be able to be sent out so market research could be done. We accommodated those concerns. And I think his staff was very, very helpful.

If the Speaker will indulge me, I want to mention some of them by name: Perry Apfelbaum of the Judiciary Committee; and Ameer Gopalani, Jesselyn McCurdy, Kimani Little and Caroline Lynch of the Subcommittee on Crime, Terrorism, and Homeland Security; John Mautz of Congressman COBLE's staff; and Joseph Dunn of my staff.

Also, some of the folks in the private sector who helped us craft this bill in a way that doesn't impact legitimate operators: Artie Katz, Lenny Schwartz, and Steve Rosenthal with the New York Association of Wholesale Marketers, who helped enlighten the committee on how the process actually worked; John Hoel and Sarah Knakmuhs with Altria; Eric Lindblom with the Campaign for Tobacco Free Kids; Anne Holloway with the American Wholesale Marketers Association; Lynn Beckwith with the National Association of Convenience Stores; and Laurie McKay with Dickstein Shapiro.

Mr. Speaker, I reserve the balance of my time.

Mr. POE of Texas. Mr. Speaker, this bill has nothing to do with whether

cigarettes should be taxed or not, whether tobacco should be taxed or not. The issue is the black market sale of cigarettes and those individuals who fail to pay lawfully imposed taxes on them.

This legislation is supported by the tobacco industry and by law enforcement, the Attorney General, and I urge the adoption of this legislation.

I yield back the balance of my time. Mr. WEINER. I thank Mr. POE again, and I just want to make one other point: that there are colleagues on other committees who have had an interest in this, and they have been working hand-in-hand with the Judiciary Committee.

I will insert an exchange of letters with one of those committees, the Oversight and Reform Committee, at this point in the RECORD.

HOUSE OF REPRESENTATIVES, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,

Washington, DC, May 19, 2009.

Hon. JOHN CONYERS, JR.,
Chairman, Committee on the Judiciary, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN CONYERS: I am writing about H.R. 1676, the "Prevent All Cigarette Trafficking Act of 2009." The Judiciary Committee ordered this measure reported, as amended, on April 28, 2009.

I appreciate your efforts to consult with the Committee on Oversight and Government Reform regarding those provisions of H.R. 1676 that fall within the Oversight Committee's jurisdiction. These provisions relate to the treatment of cigarettes and smokeless tobacco as nonmailable matter and new requirements which will be placed on the U.S. Postal Service as a result.

In the interest of expediting consideration of H.R. 1676, the Oversight Committee will not separately consider relevant provisions of this bill. I would, however, request your support for the appointment of conferees from the Oversight Committee should H.R. 1676 or a similar Senate bill be considered in conference with the Senate. Moreover, this letter should not be construed as a waiver of the Oversight Committee's legislative jurisdiction over subjects addressed in H.R. 1676 that fall within the jurisdiction of the Oversight Committee.

Please include our exchange of letters on this matter in the Congressional Record during consideration of this legislation on the House floor.

Again, I appreciate your willingness to consult the Committee on these matters.

Sincerely,

EDOLPHUS TOWNS,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, May 19, 2009.

Hon. EDOLPHUS TOWNS,
Chairman, Committee on Oversight and Government Reform, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding your committee's jurisdictional interest in H.R. 1676, the Prevent All Cigarette Trafficking Act of 2009.

I appreciate your willingness to support expediting floor consideration of this important legislation today. I understand and agree that this is without prejudice to your Committee's jurisdictional interests in this or similar legislation in the future. In the event a House-Senate conference on this or

similar legislation is convened, I would support your request for an appropriate number of conferees.

I will include a copy of your letter and this response in the Congressional Record in the debate on the bill. Thank you for your cooperation as we work towards enactment of this legislation.

Sincerely,

JOHN CONYERS, JR.,
Chairman.

I urge support for the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. WEINER) that the House suspend the rules and pass the bill, H.R. 1676, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. POE of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

HONORING POLICE OFFICERS AND LAW ENFORCEMENT PROFESSIONALS DURING POLICE WEEK

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 426) honoring police officers and law enforcement professionals during Police Week.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 426

Whereas President John F. Kennedy signed a proclamation declaring May 15th as Peace Officers Memorial Day to honor law enforcement officers killed in the line of duty, and to designate the calendar week in which May 15th occurs as Police Week;

Whereas police officers protect communities across our Nation;

Whereas police officers selflessly put their lives on the line to keep Americans safe;

Whereas police officers perform a variety of duties to pursue justice and maintain public safety;

Whereas in just the last decade, hundreds of police officers were killed in the line of duty, and in just the first four months of 2009 more than 40 officers around the country have made the ultimate sacrifice; and

Whereas police officers and law enforcement personnel have been adversely affected by the current economic situation, yet continue to serve bravely: Now, therefore, be it Resolved, That—

(1) it is the sense of the House of Representatives that—

(A) Police Week provides an opportunity to honor police officers and law enforcement personnel for their selfless acts of bravery;

(B) police officers and law enforcement personnel risk their lives daily to protect Americans; and

(C) police officers and law enforcement personnel who have made the ultimate sacrifice should be remembered and honored;

(2) the House of Representatives honors police officers for their efforts to create safer and more secure communities; and

(3) the House of Representatives expresses its strong support for the Nation's police officers and law enforcement personnel.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution honors police officers and law enforcement professionals during Police Week. In 1962, President Kennedy proclaimed the week in which May 15 occurs to be Police Week. For over 40 years, the week of May 15 has continued to be the time to honor men and women in our Nation's law enforcement agencies, who protect our neighborhoods, our homes, and our loved ones.

The men and women who dedicate their careers to our safety do so at the expense of spending long hours away from their own families, putting themselves at great risk—and, in too many instances, making the ultimate sacrifice.

In fact, we have lost over 20,000 officers in the line of duty over the course of our history. Since January 1 of this year, we've lost 48 officers—five since the beginning of this month alone. Yet regardless of the continuing danger, day after day, and year after year, these dedicated professionals continue to make the sacrifices for their communities, without asking for thanks or praise.

And so the law enforcement professionals and police officers who toil in our communities across the Nation deserve our unwavering support and our thankful recognition.

I commend the gentleman from California (Mr. MCNERNEY) for introducing this resolution and for giving the House of Representatives the opportunity to show respect and admiration for our law enforcement professionals. I urge my colleagues to support the resolution.

I reserve the balance of my time.

Mr. POE of Texas. I yield myself such time as I may consume.

I would like to thank the gentleman from California (Mr. MCNERNEY) for introducing H. Res. 426, which honors police officers and law enforcement professionals during National Police Week. I'm pleased to cosponsor this resolution that supports the brave men and women who wear the badge, as well as all the professionals who support

them in their mission throughout the country, especially their families.

As they continue to protect and serve, we take a moment to salute them for everything that they do every day, much of which goes unnoticed. We're able to go about our daily routines because officers in small towns and big cities and in rural areas throughout this country stand ready to take those risks on our behalf.

Each year, 50,000—50,000—peace officers are assaulted in the United States. On May 17, 1792, New York City's Deputy Sheriff Isaac Smith became the first recorded police officer to be killed in the line of duty in the United States. Since that time, 19,705 peace officers have been killed while on duty protecting the rest of us.

In 2008, 140 officers died in the line of duty while upholding the values that make this country great—duty, honor, sacrifice. Those values and their sacrifice are a somber reminder that the freedoms that we share do not come without a cost. Of those 140, 10 percent, or 14, were from my home State of Texas.

Sadly, already in 2009, 48 peace officers have died in the line of duty. Once again, 10 percent from the State of Texas. This number includes two additional officers since I spoke on the House floor about peace officers 5 days ago. Those individuals, Sergeant Dulan Earl Murray, Jr. from the Nags Head Police Department in North Carolina, and Deputy Sheriff Tom Wilson from Warren County Sheriff's Department in Mississippi, died over the weekend while on duty.

In 1961, Congress created Peace Officers Memorial Day and designated it to be commemorated each year on May 15. Correspondingly, each year, the President issues a proclamation naming May 15 as National Peace Officers Memorial Day.

I'm proud to sponsor this year's resolution to recognize Peace Officer Memorial Day, which passed the House unanimously in February of this year. Peace Officer Memorial Day takes place during National Police Week, which was held in Washington, D.C. last week.

Many of the families, friends, and colleagues of these fallen officers came to Washington last week to remember them as mothers and fathers, brothers and sisters, sons and daughters, and friends of their communities, guarding all of us.

They came together to celebrate in many ways. They participated in candlelight vigils and torch runs, they broke bread and shared stories, but more importantly, they honored and remembered the fallen. Today, we do as well.

Those officers have no doubt returned to serve their communities while quietly making all of our lives a little better.

We commemorate the 186 officers that died in 2008 and 2009, and all law enforcement officers that have died in

the line of duty while representing every State, the District of Columbia, U.S. territories, as well as Federal law enforcement and the military police.

Today, we thank them the best way that we can in the House of Representatives. I urge people across the country to similarly thank them for their service with a simple smile or a handshake or a thank you.

I urge my colleagues to support this important resolution.

I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 2 minutes to the gentleman who, prior to coming to Congress, was a law enforcement professional himself, the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. I thank the gentleman for yielding. And I stand today in support of House Resolution 426, a resolution offered by our friend, Mr. MCNERNEY from California. This resolution is to recognize Police Week and all the law enforcement officers across the country that keep us and our communities safe.

As a former city police officer and as a Michigan State police trooper, law enforcement has always been a legislative priority for me. When I was elected to Congress 17 years ago, I was surprised to learn that there was no formal organization within Congress to advocate on behalf of law enforcement. So I founded the Law Enforcement Caucus with the help of then-Democratic caucus chairman STENY HOYER.

Today, the Law Enforcement Caucus has 110 members and we hold regular briefings throughout the year. I'm proud to be cochair of the caucus, along with my friend DAVE REICHERT, the gentleman from the State of Washington.

As you know, this is a time of great change for the law enforcement community. During an economic downturn, there's an increase in crime and in the drug trade. Many in Washington have paid a lot of attention to the integral role that law enforcement plays in protecting our country. But the Federal Government has to do more than talk about the problem. We must also provide resources, training, and equipment to ensure that it is there for local law enforcement.

We made a strong commitment to this goal by providing \$3 billion in the American Recovery and Reinvestment Act of 2009 for law enforcement programs. This effort must continue as we consider fiscal year 2010 appropriation bills. After all, our law enforcement officers are on the front lines every day, keeping us and our communities safe.

I urge my colleagues to not only support this resolution honoring Police Week, but support law enforcement programs by fully funding the Byrne Justice Assistance Grants, the Community Oriented Policing Services grants, and many Federal programs that have gone underfunded when the need is ever growing.

Mr. POE of Texas. I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield such time as he may consume to the sponsor of this important resolution, the gentleman from California (Mr. McNERNEY).

Mr. McNERNEY. I rise in proud support of H. Res. 426. I thank the gentleman from Texas for his words and support. We're basically here to honor police officers and law enforcement professionals.

I introduced this resolution last Tuesday in recognition of National Police Week. H. Res. 426 commends police officers and law enforcement professionals for the hard and often dangerous work they perform to keep us safe.

Almost 47 years ago, in October of 1962, President John F. Kennedy signed a resolution designating May 15 as Peace Officers Memorial Day and the week in which it occurs as Police Week. Since then, police officers have held events during Police Week honoring their fallen brethren and officers who worked tirelessly to keep us safe.

□ 1345

May 15 just passed, but our law enforcement officials should be celebrated daily.

So far this year more than 40 officers from around the country have lost their lives in the line of duty. Four officers from California, including Sergeants Mark Dunakin of Tracy and Ervin Romans of Danville, both from my district, were killed earlier this year. My thoughts and prayers are with the families and loved ones of these dedicated officers.

In honor of their memory and in thanks for the hard work and selfless dedication of our Nation's police officers and law enforcement professionals, I urge my colleagues to support this resolution. These brave men and women deserve our respect and gratitude. I further encourage my colleagues to support our law enforcement professionals not just during Police Week but every day of the year.

Mr. POE of Texas. Mr. Speaker, I want to thank the gentleman from Virginia and the gentleman from California for proposing this legislation. Also, we need to constantly remember that we here in the United States Capitol are protected daily by the Capitol Police, two of whom just a few years ago gave their lives protecting Members of Congress.

I would also like to introduce into the RECORD the names of the 19 police officers from the State of Texas who have been killed in 2008 and 2009.

In 2008, 140 peace officers were killed. Of these fallen officers, 14 were from Texas:

Deputy Constable David Joubert, Harris County Constable's Office—Precinct 7, TX, EOW: Sunday, January 13, 2008.

Police Officer Matthew B. Thebeau, Corpus Christi Police Department, TX, EOW: Sunday, January 20, 2008.

Corporal Harry Thielepape, Harris County Constable's Office—Precinct 6, TX, EOW: Wednesday, February 20, 2008.

Senior Corporal Victor A. Lozada Sr., Dallas Police Department, TX, EOW: Friday, February 22, 2008.

Trooper James Scott Burns, Texas Department of Public Safety—Texas Highway Patrol, TX, EOW: Tuesday, April 29, 2008.

Police Officer Everett William Dennis, Carthage Police Department, TX, EOW: Tuesday, June 3, 2008.

Sergeant Barbara Jean Shumate, Texas Department of Criminal Justice, TX, EOW: Friday, June 13, 2008.

Police Officer Gary Gryder, Houston Police Department, TX, EOW: Sunday, June 29, 2008.

Detective Tommy Keen, Harris County Sheriff's Department, TX, EOW: Monday, September 15, 2008.

Game Warden George Harold Whatley Jr., Texas Parks and Wildlife Department—Law Enforcement Division, TX, EOW: Friday, October 10, 2008.

Sheriff Brent Lee, Trinity County Sheriff's Department, TX, EOW: Thursday, November 27, 2008.

Police Officer Robert Davis, San Antonio Police Department, TX, EOW: Monday, December 1, 2008.

Police Officer Timothy Abernethy, Houston Police Department, TX, EOW: Sunday, December 7, 2008.

Police Officer Mark Simmons, Amarillo Police Department, TX, EOW: Wednesday, December 17, 2008.

In 2009, 48 officers have died in the line of duty. 5 of these officers were from Texas:

Senior Corporal Norman Smith, Dallas Police Department, TX, EOW: Tuesday, January 6, 2009.

Detention Officer Cesar Arreola, El Paso County Sheriff's Office, TX, EOW: Sunday, January 18, 2009.

Lieutenant Stuart J. Alexander, Corpus Christi Police Department, TX, EOW: Wednesday, March 11, 2009.

Sergeant Randy White, Bridgeport Police Department, TX, EOW: Thursday, April 2, 2009.

Deputy Sheriff D. Robert Harvey, Lubbock County Sheriff's Department, TX, EOW: Sunday, April 26, 2009.

I yield back the balance of my time. Mr. SCOTT of Virginia. I yield myself as much time as I may consume.

Mr. Speaker, I would like to thank the gentleman from Texas, the gentleman from California and the gentleman from Michigan for their strong support of this resolution. I urge my colleagues to support it.

I yield back the balance of my time. The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and agree to the resolution, H. Res. 426.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

HELPING FAMILIES SAVE THEIR HOMES ACT OF 2009

Mr. FRANK of Massachusetts. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 896) to prevent mortgage foreclosures and enhance mortgage credit availability, as amended.

The Clerk read the title of the Senate bill.

The text of the Senate bill, as amended, is as follows:

S. 896

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

DIVISION A—PREVENTING MORTGAGE FORECLOSURES

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the "Helping Families Save Their Homes Act of 2009".

(b) TABLE OF CONTENTS.—The table of contents of this division is the following:

Sec. 1. Short title; table of contents.

TITLE I—PREVENTION OF MORTGAGE FORECLOSURES

Sec. 101. Guaranteed rural housing loans.

Sec. 102. Modification of housing loans guaranteed by the Department of Veterans Affairs.

Sec. 103. Additional funding for HUD programs to assist individuals to better withstand the current mortgage crisis.

Sec. 104. Mortgage modification data collecting and reporting.

Sec. 105. Neighborhood Stabilization Program Refinements.

TITLE II—FORECLOSURE MITIGATION AND CREDIT AVAILABILITY

Sec. 201. Servicer safe harbor for mortgage loan modifications.

Sec. 202. Changes to HOPE for Homeowners Program.

Sec. 203. Requirements for FHA-approved mortgagees.

Sec. 204. Enhancement of liquidity and stability of insured depository institutions to ensure availability of credit and reduction of foreclosures.

Sec. 205. Application of GSE conforming loan limit to mortgages assisted with TARP funds.

Sec. 206. Mortgages on certain homes on leased land.

Sec. 207. Sense of Congress regarding mortgage revenue bond purchases.

TITLE III—MORTGAGE FRAUD TASK FORCE

Sec. 301. Sense of the Congress on establishment of a Nationwide Mortgage Fraud Task Force.

TITLE IV—FORECLOSURE MORATORIUM PROVISIONS

Sec. 401. Sense of the Congress on foreclosures.

Sec. 402. Public-Private Investment Program; Additional Appropriations for the Special Inspector General for the Troubled Asset Relief Program.

Sec. 403. Removal of requirement to liquidate warrants under the TARP.

Sec. 404. Notification of sale or transfer of mortgage loans.

TITLE V—FARM LOAN RESTRUCTURING

Sec. 501. Congressional Oversight Panel special report.

TITLE VI—ENHANCED OVERSIGHT OF THE TROUBLED ASSET RELIEF PROGRAM

Sec. 601. Enhanced oversight of the Troubled Asset Relief Program.

TITLE VII—PROTECTING TENANTS AT FORECLOSURE ACT

Sec. 701. Short title.

Sec. 702. Effect of foreclosure on preexisting tenancy.

Sec. 703. Effect of foreclosure on section 8 tenancies.

Sec. 704. Sunset.

TITLE VIII—COMPTROLLER GENERAL ADDITIONAL AUDIT AUTHORITIES

Sec. 801. Comptroller General additional audit authorities.

TITLE I—PREVENTION OF MORTGAGE FORECLOSURES

SEC. 101. GUARANTEED RURAL HOUSING LOANS.

(a) GUARANTEED RURAL HOUSING LOANS.—Section 502(h) of the Housing Act of 1949 (42 U.S.C. 1472(h)) is amended—

(1) by redesignating paragraphs (13) and (14) as paragraphs (16) and (17), respectively; and

(2) by inserting after paragraph (12) the following new paragraphs:

“(13) LOSS MITIGATION.—Upon default or imminent default of any mortgage guaranteed under this subsection, mortgagees shall engage in loss mitigation actions for the purpose of providing an alternative to foreclosure (including actions such as special forbearance, loan modification, pre-foreclosure sale, deed in lieu of foreclosure, as required, support for borrower housing counseling, subordinate lien resolution, and borrower relocation), as provided for by the Secretary.

“(14) PAYMENT OF PARTIAL CLAIMS AND MORTGAGE MODIFICATIONS.—The Secretary may authorize the modification of mortgages, and establish a program for payment of a partial claim to a mortgagee that agrees to apply the claim amount to payment of a mortgage on a 1- to 4-family residence, for mortgages that are in default or face imminent default, as defined by the Secretary. Any payment under such program directed to the mortgagee shall be made at the sole discretion of the Secretary and on terms and conditions acceptable to the Secretary, except that—

“(A) the amount of the partial claim payment shall be in an amount determined by the Secretary, and shall not exceed an amount equivalent to 30 percent of the unpaid principal balance of the mortgage and any costs that are approved by the Secretary;

“(B) the amount of the partial claim payment shall be applied first to any outstanding indebtedness on the mortgage, including any arrearage, but may also include principal reduction;

“(C) the mortgagor shall agree to repay the amount of the partial claim to the Secretary upon terms and conditions acceptable to the Secretary;

“(D) expenses related to a partial claim or modification are not to be charged to the borrower;

“(E) the Secretary may authorize compensation to the mortgagee for lost income on monthly mortgage payments due to interest rate reduction;

“(F) the Secretary may reimburse the mortgagee from the appropriate guaranty fund in connection with any activities that the mortgagee is required to undertake concerning repayment by the mortgagor of the amount owed to the Secretary;

“(G) the Secretary may authorize payments to the mortgagee on behalf of the borrower, under such terms and conditions as are defined by the Secretary, based on successful performance under the terms of the mortgage modification, which shall be used to reduce the principal obligation under the modified mortgage; and

“(H) the Secretary may authorize the modification of mortgages with terms extended up to 40 years from the date of modification.

“(15) ASSIGNMENT.—

“(A) PROGRAM AUTHORITY.—The Secretary may establish a program for assignment to the Secretary, upon request of the mortgagee, of a mortgage on a 1- to 4-family residence guaranteed under this chapter.

“(B) PROGRAM REQUIREMENTS.—

“(i) IN GENERAL.—The Secretary may encourage loan modifications for eligible delin-

quent mortgages or mortgages facing imminent default, as defined by the Secretary, through the payment of the guaranty and assignment of the mortgage to the Secretary and the subsequent modification of the terms of the mortgage according to a loan modification approved under this section.

“(ii) ACCEPTANCE OF ASSIGNMENT.—The Secretary may accept assignment of a mortgage under a program under this subsection only if—

“(I) the mortgage is in default or facing imminent default;

“(II) the mortgagee has modified the mortgage or qualified the mortgage for modification sufficient to cure the default and provide for mortgage payments the mortgagor is reasonably able to pay, at interest rates not exceeding current market interest rates; and

“(III) the Secretary arranges for servicing of the assigned mortgage by a mortgagee (which may include the assigning mortgagee) through procedures that the Secretary has determined to be in the best interests of the appropriate guaranty fund.

“(C) PAYMENT OF GUARANTY.—Under the program under this paragraph, the Secretary may pay the guaranty for a mortgage, in the amount determined in accordance with paragraph (2), without reduction for any amounts modified, but only upon the assignment, transfer, and delivery to the Secretary of all rights, interest, claims, evidence, and records with respect to the mortgage, as defined by the Secretary.

“(D) DISPOSITION.—After modification of a mortgage pursuant to this paragraph, and assignment of the mortgage, the Secretary may provide guarantees under this subsection for the mortgage. The Secretary may subsequently—

“(i) re-assign the mortgage to the mortgagee under terms and conditions as are agreed to by the mortgagee and the Secretary;

“(ii) act as a Government National Mortgage Association issuer, or contract with an entity for such purpose, in order to pool the mortgage into a Government National Mortgage Association security; or

“(iii) re-sell the mortgage in accordance with any program that has been established for purchase by the Federal Government of mortgages insured under this title, and the Secretary may coordinate standards for interest rate reductions available for loan modification with interest rates established for such purchase.

“(E) LOAN SERVICING.—In carrying out the program under this subsection, the Secretary may require the existing servicer of a mortgage assigned to the Secretary under the program to continue servicing the mortgage as an agent of the Secretary during the period that the Secretary acquires and holds the mortgage for the purpose of modifying the terms of the mortgage. If the mortgage is resold pursuant to subparagraph (D)(iii), the Secretary may provide for the existing servicer to continue to service the mortgage or may engage another entity to service the mortgage.”

(b) TECHNICAL AMENDMENTS.—Subsection (h) of section 502 of the Housing Act of 1949 (42 U.S.C. 1472(h)) is amended—

(1) in paragraph (5)(A), by striking “(as defined in paragraph (13))” and inserting “(as defined in paragraph (17))”; and

(2) in paragraph (18)(E)(as so redesignated by subsection (a)(2)), by—

(A) striking “paragraphs (3), (6), (7)(A), (8), and (10)” and inserting “paragraphs (3), (6), (7)(A), (8), (10), (13), and (14)”; and

(B) striking “paragraphs (2) through (13)” and inserting “paragraphs (2) through (15)”.

(c) PROCEDURE.—

(1) IN GENERAL.—The promulgation of regulations necessitated and the administration actions required by the amendments made by this section shall be made without regard to—

(A) the notice and comment provisions of section 553 of title 5, United States Code;

(B) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(C) chapter 35 of title 44, United States Code (commonly known as the “Paperwork Reduction Act”).

(2) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, and the amendments made by this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

SEC. 102. MODIFICATION OF HOUSING LOANS GUARANTEED BY THE DEPARTMENT OF VETERANS AFFAIRS.

(a) MATURITY OF HOUSING LOANS.—Section 3703(d)(1) of title 38, United States Code, is amended by inserting “at the time of origination” after “loan”.

(b) IMPLEMENTATION.—The Secretary of Veterans Affairs may implement the amendments made by this section through notice, procedure notice, or administrative notice.

SEC. 103. ADDITIONAL FUNDING FOR HUD PROGRAMS TO ASSIST INDIVIDUALS TO BETTER WITHSTAND THE CURRENT MORTGAGE CRISIS.

(a) ADDITIONAL APPROPRIATIONS FOR ADVERTISING TO INCREASE PUBLIC AWARENESS OF MORTGAGE SCAMS AND COUNSELING ASSISTANCE.—In addition to any amounts that may be appropriated for each of the fiscal years 2010 and 2011 for such purpose, there is authorized to be appropriated to the Secretary of Housing and Urban Development, to remain available until expended, \$10,000,000 for each of the fiscal years 2010 and 2011 for purposes of providing additional resources to be used for advertising to raise awareness of mortgage fraud and to support HUD programs and approved counseling agencies, provided that such amounts are used to advertise in the 100 metropolitan statistical areas with the highest rate of home foreclosures, and provided, further that up to \$5,000,000 of such amounts are used for advertisements designed to reach and inform broad segments of the community.

(b) ADDITIONAL APPROPRIATIONS FOR THE HOUSING COUNSELING ASSISTANCE PROGRAM.—In addition to any amounts that may be appropriated for each of the fiscal years 2010 and 2011 for such purpose, there is authorized to be appropriated to the Secretary of Housing and Urban Development, to remain available until expended, \$50,000,000 for each of the fiscal years 2010 and 2011 to carry out the Housing Counseling Assistance Program established within the Department of Housing and Urban Development, provided that such amounts are used to fund HUD-certified housing-counseling agencies located in the 100 metropolitan statistical areas with the highest rate of home foreclosures for the purpose of assisting homeowners with inquiries regarding mortgage-modification assistance and mortgage scams.

(c) ADDITIONAL APPROPRIATIONS FOR PERSONNEL AT THE OFFICE OF FAIR HOUSING AND EQUAL OPPORTUNITY.—In addition to any amounts that may be appropriated for each of the fiscal years 2010 and 2011 for such purpose, there is authorized to be appropriated to the Secretary of Housing and Urban Development, to remain available until expended, \$5,000,000 for each of the fiscal years 2010 and 2011 for purposes of hiring additional personnel at the Office of Fair Housing and Equal Opportunity within the Department of

Housing and Urban Development, provided that such amounts are used to hire personnel at the local branches of such Office located in the 100 metropolitan statistical areas with the highest rate of home foreclosures.

SEC. 104. MORTGAGE MODIFICATION DATA COLLECTING AND REPORTING.

(a) **REPORTING REQUIREMENTS.**—Not later than 120 days after the date of the enactment of this Act, and quarterly thereafter, the Comptroller of the Currency and the Director of the Office of Thrift Supervision, shall jointly submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Financial Services of the House of Representatives on the volume of mortgage modifications reported to the Office of the Comptroller of the Currency and the Office of Thrift Supervision, under the mortgage metrics program of each such Office, during the previous quarter, including the following:

(1) A copy of the data collection instrument currently used by the Office of the Comptroller of the Currency and the Office of Thrift Supervision to collect data on loan modifications.

(2) The total number of mortgage modifications resulting in each of the following:

(A) Additions of delinquent payments and fees to loan balances.

(B) Interest rate reductions and freezes.

(C) Term extensions.

(D) Reductions of principal.

(E) Deferrals of principal.

(F) Combinations of modifications described in subparagraph (A), (B), (C), (D), or (E).

(3) The total number of mortgage modifications in which the total monthly principal and interest payment resulted in the following:

(A) An increase.

(B) Remained the same.

(C) Decreased less than 10 percent.

(D) Decreased between 10 percent and 20 percent.

(E) Decreased 20 percent or more.

(4) The total number of loans that have been modified and then entered into default, where the loan modification resulted in—

(A) higher monthly payments by the homeowner;

(B) equivalent monthly payments by the homeowner;

(C) lower monthly payments by the homeowner of up to 10 percent;

(D) lower monthly payments by the homeowner of between 10 percent to 20 percent; or

(E) lower monthly payments by the homeowner of more than 20 percent.

(b) **DATA COLLECTION.**—

(1) **REQUIRED.**—

(A) **IN GENERAL.**—Not later than 60 days after the date of the enactment of this Act, the Comptroller of the Currency and the Director of the Office of Thrift Supervision, shall issue mortgage modification data collection and reporting requirements to institutions covered under the reporting requirement of the mortgage metrics program of the Comptroller or the Director.

(B) **INCLUSIVENESS OF COLLECTIONS.**—The requirements under subparagraph (A) shall provide for the collection of all mortgage modification data needed by the Comptroller of the Currency and the Director of the Office of Thrift Supervision to fulfill the reporting requirements under subsection (a).

(2) **REPORT.**—The Comptroller of the Currency shall report all requirements established under paragraph (1) to each committee receiving the report required under subsection (a).

SEC. 105. NEIGHBORHOOD STABILIZATION PROGRAM REFINEMENTS.

(a) **IN GENERAL.**—Section 2301(c) of the Foreclosure Prevention Act of 2008 (42 U.S.C. 5301 note) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

“(3) **EXCEPTION FOR CERTAIN STATES.**—Each State that has received the minimum allocation of amounts pursuant to the requirement under section 2302 may, to the extent such State has fulfilled the requirements of paragraph (2), distribute any remaining amounts to areas with homeowners at risk of foreclosure or in foreclosure without regard to the percentage of home foreclosures in such areas.”.

(b) **RETROACTIVE EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect as if enacted on the date of enactment of the Foreclosure Prevention Act of 2008 (Public Law 110-289).

TITLE II—FORECLOSURE MITIGATION AND CREDIT AVAILABILITY

SEC. 201. SERVICER SAFE HARBOR FOR MORTGAGE LOAN MODIFICATIONS.

(a) **CONGRESSIONAL FINDINGS.**—Congress finds the following:

(1) Increasing numbers of mortgage foreclosures are not only depriving many Americans of their homes, but are also destabilizing property values and negatively affecting State and local economies as well as the national economy.

(2) In order to reduce the number of foreclosures and to stabilize property values, local economies, and the national economy, servicers must be given—

(A) authorization to—

(i) modify mortgage loans and engage in other loss mitigation activities consistent with applicable guidelines issued by the Secretary of the Treasury or his designee under the Emergency Economic Stabilization Act of 2008; and

(ii) refinance mortgage loans under the Hope for Homeowners program; and

(B) a safe harbor to enable such servicers to exercise these authorities.

(b) **SAFE HARBOR.**—Section 129A of the Truth in Lending Act (15 U.S.C. 1639a) is amended to read as follows:

“SEC. 129. DUTY OF SERVICERS OF RESIDENTIAL MORTGAGES.

“(a) **IN GENERAL.**—Notwithstanding any other provision of law, whenever a servicer of residential mortgages agrees to enter into a qualified loss mitigation plan with respect to 1 or more residential mortgages originated before the date of enactment of the Helping Families Save Their Homes Act of 2009, including mortgages held in a securitization or other investment vehicle—

“(1) to the extent that the servicer owes a duty to investors or other parties to maximize the net present value of such mortgages, the duty shall be construed to apply to all such investors and parties, and not to any individual party or group of parties; and

“(2) the servicer shall be deemed to have satisfied the duty set forth in paragraph (1) if, before December 31, 2012, the servicer implements a qualified loss mitigation plan that meets the following criteria:

“(A) Default on the payment of such mortgage has occurred, is imminent, or is reasonably foreseeable, as such terms are defined by guidelines issued by the Secretary of the Treasury or his designee under the Emergency Economic Stabilization Act of 2008.

“(B) The mortgagor occupies the property securing the mortgage as his or her principal residence.

“(C) The servicer reasonably determined, consistent with the guidelines issued by the Secretary of the Treasury or his designee, that the application of such qualified loss

mitigation plan to a mortgage or class of mortgages will likely provide an anticipated recovery on the outstanding principal mortgage debt that will exceed the anticipated recovery through foreclosures.

“(b) **NO LIABILITY.**—A servicer that is deemed to be acting in the best interests of all investors or other parties under this section shall not be liable to any party who is owed a duty under subsection (a)(1), and shall not be subject to any injunction, stay, or other equitable relief to such party, based solely upon the implementation by the servicer of a qualified loss mitigation plan.

“(c) **STANDARD INDUSTRY PRACTICE.**—The qualified loss mitigation plan guidelines issued by the Secretary of the Treasury under the Emergency Economic Stabilization Act of 2008 shall constitute standard industry practice for purposes of all Federal and State laws.

“(d) **SCOPE OF SAFE HARBOR.**—Any person, including a trustee, issuer, and loan originator, shall not be liable for monetary damages or be subject to an injunction, stay, or other equitable relief, based solely upon the cooperation of such person with a servicer when such cooperation is necessary for the servicer to implement a qualified loss mitigation plan that meets the requirements of subsection (a).

“(e) **REPORTING.**—Each servicer that engages in qualified loss mitigation plans under this section shall regularly report to the Secretary of the Treasury the extent, scope, and results of the servicer's modification activities. The Secretary of the Treasury shall prescribe regulations or guidance specifying the form, content, and timing of such reports.

“(f) **DEFINITIONS.**—As used in this section—

“(1) the term ‘qualified loss mitigation plan’ means—

“(A) a residential loan modification, workout, or other loss mitigation plan, including to the extent that the Secretary of the Treasury determines appropriate, a loan sale, real property disposition, trial modification, pre-foreclosure sale, and deed in lieu of foreclosure, that is described or authorized in guidelines issued by the Secretary of the Treasury or his designee under the Emergency Economic Stabilization Act of 2008; and

“(B) a refinancing of a mortgage under the Hope for Homeowners program;

“(2) the term ‘servicer’ means the person responsible for the servicing for others of residential mortgage loans (including of a pool of residential mortgage loans); and

“(3) the term ‘securitization vehicle’ means a trust, special purpose entity, or other legal structure that is used to facilitate the issuing of securities, participation certificates, or similar instruments backed by or referring to a pool of assets that includes residential mortgages (or instruments that are related to residential mortgages such as credit-linked notes).

“(g) **RULE OF CONSTRUCTION.**—No provision of subsection (b) or (d) shall be construed as affecting the liability of any servicer or person as described in subsection (d) for actual fraud in the origination or servicing of a loan or in the implementation of a qualified loss mitigation plan, or for the violation of a State or Federal law, including laws regulating the origination of mortgage loans, commonly referred to as predatory lending laws.”.

SEC. 202. CHANGES TO HOPE FOR HOMEOWNERS PROGRAM.

(a) **PROGRAM CHANGES.**—Section 257 of the National Housing Act (12 U.S.C. 1715z-23) is amended—

(1) in subsection (c)—

(A) in the heading for paragraph (1), by striking “THE BOARD” and inserting “SECRETARY”;

(B) in paragraph (1), by striking “Board” inserting “Secretary, after consultation with the Board.”;

(C) in paragraph (1)(A), by inserting “consistent with section 203(b) to the maximum extent possible” before the semicolon; and

(D) by adding after paragraph (2) the following:

“(3) DUTIES OF BOARD.—The Board shall advise the Secretary regarding the establishment and implementation of the HOPE for Homeowners Program.”;

(2) by striking “Board” each place such term appears in subsections (e), (h)(1), (h)(3), (j), (l), (n), (s)(3), and (v) and inserting “Secretary”;

(3) in subsection (e)—

(A) by striking paragraph (1) and inserting the following:

“(1) BORROWER CERTIFICATION.—

“(A) NO INTENTIONAL DEFAULT OR FALSE INFORMATION.—The mortgagor shall provide a certification to the Secretary that the mortgagor has not intentionally defaulted on the existing mortgage or mortgages or any other substantial debt within the last 5 years and has not knowingly, or willfully and with actual knowledge, furnished material information known to be false for the purpose of obtaining the eligible mortgage to be insured and has not been convicted under Federal or State law for fraud during the 10-year period ending upon the insurance of the mortgage under this section.

“(B) LIABILITY FOR REPAYMENT.—The mortgagor shall agree in writing that the mortgagor shall be liable to repay to the Secretary any direct financial benefit achieved from the reduction of indebtedness on the existing mortgage or mortgages on the residence refinanced under this section derived from misrepresentations made by the mortgagor in the certifications and documentation required under this paragraph, subject to the discretion of the Secretary.

“(C) CURRENT BORROWER DEBT-TO-INCOME RATIO.—As of the date of application for a commitment to insure or insurance under this section, the mortgagor shall have had, or thereafter is likely to have, due to the terms of the mortgage being reset, a ratio of mortgage debt to income, taking into consideration all existing mortgages of that mortgagor at such time, greater than 31 percent (or such higher amount as the Secretary determines appropriate).”;

(B) in paragraph (4)—

(i) in subparagraph (A), by striking “, subject to standards established by the Board under subparagraph (B).”;

(ii) in subparagraph (B)(i), by striking “shall” and inserting “may”;

(C) in paragraph (7), by striking “; and provided that” and all that follows through “new second lien”;

(D) in paragraph (9)—

(i) by striking “by procuring (A) an income tax return transcript of the income tax return of the mortgagor, or (B)” and inserting “in accordance with procedures and standards that the Secretary shall establish (provided that such procedures and standards are consistent with section 203(b) to the maximum extent possible) which may include requiring the mortgagee to procure”;

(ii) by striking “and by any other method, in accordance with procedures and standards that the Board shall establish”;

(E) in paragraph (10)—

(i) by striking “The mortgagor shall not” and inserting the following:

“(A) PROHIBITION.—The mortgagor shall not”;

(ii) by adding at the end the following:

“(B) DUTY OF MORTGAGEE.—The duty of the mortgagee to ensure that the mortgagor is in compliance with the prohibition under subparagraph (A) shall be satisfied if the

mortgagee makes a good faith effort to determine that the mortgagor has not been convicted under Federal or State law for fraud during the period described in subparagraph (A).”;

(F) in paragraph (11), by inserting before the period at the end the following: “, except that the Secretary may provide exceptions to such latter requirement (relating to present ownership interest) for any mortgagor who has inherited a property”;

(G) by adding at the end:

“(12) BAN ON MILLIONAIRES.—The mortgagor shall not have a net worth, as of the date the mortgagor first applies for a mortgage to be insured under the Program under this section, that exceeds \$1,000,000.”;

(4) in subsection (h)(2), by striking “The Board shall prohibit the Secretary from paying” and inserting “The Secretary shall not pay”;

(5) in subsection (i)—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and adjusting the margins accordingly;

(B) in the matter preceding subparagraph (A), as redesignated by this paragraph, by striking “For each” and inserting the following:

“(1) PREMIUMS.—For each”;

(C) in subparagraph (A), as redesignated by this paragraph, by striking “equal to 3 percent” and inserting “not more than 3 percent”;

(D) in subparagraph (B), as redesignated by this paragraph, by striking “equal to 1.5 percent” and inserting “not more than 1.5 percent”;

(E) by adding at the end the following:

“(2) CONSIDERATIONS.—In setting the premium under this subsection, the Secretary shall consider—

“(A) the financial integrity of the HOPE for Homeowners Program; and

“(B) the purposes of the HOPE for Homeowners Program described in subsection (b).”;

(6) in subsection (k)—

(A) by striking the subsection heading and inserting “EXIT FEE”;

(B) in paragraph (1), in the matter preceding subparagraph (A), by striking “such sale or refinancing” and inserting “the mortgage being insured under this section”;

(C) in paragraph (2), by striking “and the mortgagor” and all that follows through the end and inserting “may, upon any sale or disposition of the property to which the mortgage relates, be entitled to up to 50 percent of appreciation, up to the appraised value of the home at the time when the mortgage being refinanced under this section was originally made. The Secretary may share any amounts received under this paragraph with “or assign the rights of any amounts due to the Secretary to” the holder of the existing senior mortgage on the eligible mortgage, the holder of any existing subordinate mortgage on the eligible mortgage, or both.”;

(7) in the heading for subsection (n), by striking “THE BOARD” and inserting “SECRETARY”;

(8) in subsection (p), by striking “Under the direction of the Board, the” and inserting “The”;

(9) in subsection (s)—

(A) in the first sentence of paragraph (2), by striking “Board of Directors of” and inserting “Advisory Board for”;

(B) in paragraph (3)(A)(ii), by striking “subsection (e)(1)(B) and such other” and inserting “such”;

(10) in subsection (v), by inserting after the period at the end the following: “The Secretary shall conform documents, forms, and procedures for mortgages insured under this section to those in place for mortgages in-

sured under section 203(b) to the maximum extent possible consistent with the requirements of this section.”;

(11) by adding at the end the following new subsections:

“(x) PAYMENTS TO SERVICERS AND ORIGINATORS.—The Secretary may establish a payment to the—

“(1) servicer of the existing senior mortgage “or existing subordinate mortgage” for every loan insured under the HOPE for Homeowners Program; and

“(2) originator of each new loan insured under the HOPE for Homeowners Program.

“(y) AUCTIONS.—The Secretary, with the concurrence of the Board, shall, if feasible, establish a structure and organize procedures for an auction to refinance eligible mortgages on a wholesale or bulk basis.”;

(b) REDUCING TARP FUNDS TO OFFSET COSTS OF PROGRAM CHANGES.—Paragraph (3) of section 115(a) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5225) is amended by inserting “, as such amount is reduced by \$1,244,000,000,” after “\$700,000,000,000”.

(c) TECHNICAL CORRECTION.—The second section 257 of the National Housing Act (Public Law 110-289; 122 Stat. 2839; 12 U.S.C. 1715z-24) is amended by striking the section heading and inserting the following:

“SEC. 258. PILOT PROGRAM FOR AUTOMATED PROCESS FOR BORROWERS WITHOUT SUFFICIENT CREDIT HISTORY.”

SEC. 203. REQUIREMENTS FOR FHA-APPROVED MORTGAGEES.

(a) MORTGAGEE REVIEW BOARD.—

(1) IN GENERAL.—Section 202(c)(2) of the National Housing Act (12 U.S.C. 1708(c)) is amended—

(A) in subparagraph (E), by inserting “and” after the semicolon;

(B) in subparagraph (F), by striking “; and” and inserting “or their designees.”;

(C) by striking subparagraph (G).

(2) PROHIBITION AGAINST LIMITATIONS ON MORTGAGEE REVIEW BOARD’S POWER TO TAKE ACTION AGAINST MORTGAGEES.—Section 202(c) of the National Housing Act (12 U.S.C. 1708(c)) is amended by adding at the end the following new paragraph:

“(9) PROHIBITION AGAINST LIMITATIONS ON MORTGAGEE REVIEW BOARD’S POWER TO TAKE ACTION AGAINST MORTGAGEES.—No State or local law, and no Federal law (except a Federal law enacted expressly in limitation of this subsection after the effective date of this sentence), shall preclude or limit the exercise by the Board of its power to take any action authorized under paragraphs (3) and (6) of this subsection against any mortgagee.”;

(b) LIMITATIONS ON PARTICIPATION AND MORTGAGEE APPROVAL AND USE OF NAME.—Section 202 of the National Housing Act (12 U.S.C. 1708) is amended—

(1) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively;

(2) by inserting after subsection (c) the following new subsection:

“(d) LIMITATIONS ON PARTICIPATION IN ORIGINATION AND MORTGAGEE APPROVAL.—

“(1) REQUIREMENT.—Any person or entity that is not approved by the Secretary to serve as a mortgagee, as such term is defined in subsection (c)(7), shall not participate in the origination of an FHA-insured loan except as authorized by the Secretary.

“(2) ELIGIBILITY FOR APPROVAL.—In order to be eligible for approval by the Secretary, an applicant mortgagee shall not be, and shall not have any officer, partner, director, principal, manager, supervisor, loan processor, loan underwriter, or loan originator of the applicant mortgagee who is—

“(A) currently suspended, debarred, under a limited denial of participation (LDP), or

otherwise restricted under part 25 of title 24 of the Code of Federal Regulations, 2 Code of Federal Regulations, part 180 as implemented by part 2424, or any successor regulations to such parts, or under similar provisions of any other Federal agency;

“(B) under indictment for, or has been convicted of, an offense that reflects adversely upon the applicant’s integrity, competence or fitness to meet the responsibilities of an approved mortgagee;

“(C) subject to unresolved findings contained in a Department of Housing and Urban Development or other governmental audit, investigation, or review;

“(D) engaged in business practices that do not conform to generally accepted practices of prudent mortgagees or that demonstrate irresponsibility;

“(E) convicted of, or who has pled guilty or nolo contendere to, a felony related to participation in the real estate or mortgage loan industry—

“(i) during the 7-year period preceding the date of the application for licensing and registration; or

“(ii) at any time preceding such date of application, if such felony involved an act of fraud, dishonesty, or a breach of trust, or money laundering;

“(F) in violation of provisions of the S.A.F.E. Mortgage Licensing Act of 2008 (12 U.S.C. 5101 et seq.) or any applicable provision of State law; or

“(G) in violation of any other requirement as established by the Secretary.

“(3) RULEMAKING AND IMPLEMENTATION.—The Secretary shall conduct a rulemaking to carry out this subsection. The Secretary shall implement this subsection not later than the expiration of the 60-day period beginning upon the date of the enactment of this subsection by notice, mortgagee letter, or interim final regulations, which shall take effect upon issuance.”; and

(3) by adding at the end the following new subsection:

“(h) USE OF NAME.—The Secretary shall, by regulation, require each mortgagee approved by the Secretary for participation in the FHA mortgage insurance programs of the Secretary—

“(1) to use the business name of the mortgagee that is registered with the Secretary in connection with such approval in all advertisements and promotional materials, as such terms are defined by the Secretary, relating to the business of such mortgagee in such mortgage insurance programs; and

“(2) to maintain copies of all such advertisements and promotional materials, in such form and for such period as the Secretary requires.”.

(c) PAYMENT FOR LOSS MITIGATION.—Section 204(a)(2) of the National Housing Act (12 U.S.C. 1710(a)(2)) is amended—

(1) by inserting “or faces imminent default, as defined by the Secretary” after “default”;

(2) by inserting “support for borrower housing counseling, partial claims, borrower incentives, preforeclosure sale,” after “loan modification,”; and

(3) by striking “204(a)(1)(A)” and inserting “subsection (a)(1)(A) or section 230(c)”.

(d) PAYMENT OF FHA MORTGAGE INSURANCE BENEFITS.—

(1) ADDITIONAL LOSS MITIGATION ACTIONS.—Section 230(a) of the National Housing Act (12 U.S.C. 1715u(a)) is amended—

(A) by inserting “or imminent default, as defined by the Secretary” after “default”;

(B) by striking “loss” and inserting “loan”;

(C) by inserting “preforeclosure sale, support for borrower housing counseling, subordinate lien resolution, borrower incentives,” after “loan modification,”;

(D) by inserting “as required,” after “deeds in lieu of foreclosure,”; and

(E) by inserting “or section 230(c),” before “as provided”.

(2) AMENDMENT TO PARTIAL CLAIM AUTHORITY.—Section 230(b) of the National Housing Act (12 U.S.C. 1715u(b)) is amended to read as follows:

“(b) PAYMENT OF PARTIAL CLAIM.—

“(1) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a program for payment of a partial claim to a mortgagee that agrees to apply the claim amount to payment of a mortgage on a 1- to 4-family residence that is in default or faces imminent default, as defined by the Secretary.

“(2) PAYMENTS AND EXCEPTIONS.—Any payment of a partial claim under the program established in paragraph (1) to a mortgagee shall be made in the sole discretion of the Secretary and on terms and conditions acceptable to the Secretary, except that—

“(A) the amount of the payment shall be in an amount determined by the Secretary, not to exceed an amount equivalent to 30 percent of the unpaid principal balance of the mortgage and any costs that are approved by the Secretary;

“(B) the amount of the partial claim payment shall first be applied to any arrearage on the mortgage, and may also be applied to achieve principal reduction;

“(C) the mortgagor shall agree to repay the amount of the insurance claim to the Secretary upon terms and conditions acceptable to the Secretary;

“(D) the Secretary may permit compensation to the mortgagee for lost income on monthly payments, due to a reduction in the interest rate charged on the mortgage;

“(E) expenses related to the partial claim or modification may not be charged to the borrower;

“(F) loans may be modified to extend the term of the mortgage to a maximum of 40 years from the date of the modification; and

“(G) the Secretary may permit incentive payments to the mortgagee, on the borrower’s behalf, based on successful performance of a modified mortgage, which shall be used to reduce the amount of principal indebtedness.

“(3) PAYMENTS IN CONNECTION WITH CERTAIN ACTIVITIES.—The Secretary may pay the mortgagee, from the appropriate insurance fund, in connection with any activities that the mortgagee is required to undertake concerning repayment by the mortgagor of the amount owed to the Secretary.”.

(3) ASSIGNMENT.—Section 230(c) of the National Housing Act (12 U.S.C. 1715u(c)) is amended—

(A) by inserting “(1)” after “(c)”;

(B) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(C) in paragraph (1)(B) (as so redesignated)—

(i) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively;

(ii) in the matter preceding clause (i) (as so redesignated), by striking “under a program under this subsection” and inserting “under this paragraph”; and

(iii) in clause (i) (as so redesignated), by inserting “or facing imminent default, as defined by the Secretary” after “default”;

(D) in paragraph (1)(C) (as so redesignated), by striking “under a program under this subsection” and inserting “under this paragraph”; and

(E) by adding at the end the following:

“(2) ASSIGNMENT AND LOAN MODIFICATION.—

“(A) AUTHORITY.—The Secretary may encourage loan modifications for eligible delinquent mortgages or mortgages facing imminent default, as defined by the Secretary,

through the payment of insurance benefits and assignment of the mortgage to the Secretary and the subsequent modification of the terms of the mortgage according to a loan modification approved by the mortgagee.

“(B) PAYMENT OF BENEFITS AND ASSIGNMENT.—In carrying out this paragraph, the Secretary may pay insurance benefits for a mortgage, in the amount determined in accordance with section 204(a)(5), without reduction for any amounts modified, but only upon the assignment, transfer, and delivery to the Secretary of all rights, interest, claims, evidence, and records with respect to the mortgage specified in clauses (i) through (iv) of section 204(a)(1)(A).

“(C) DISPOSITION.—After modification of a mortgage pursuant to this paragraph, the Secretary may provide insurance under this title for the mortgage. The Secretary may subsequently—

“(i) re-assign the mortgage to the mortgagee under terms and conditions as are agreed to by the mortgagee and the Secretary;

“(ii) act as a Government National Mortgage Association issuer, or contract with an entity for such purpose, in order to pool the mortgage into a Government National Mortgage Association security; or

“(iii) re-sell the mortgage in accordance with any program that has been established for purchase by the Federal Government of mortgages insured under this title, and the Secretary may coordinate standards for interest rate reductions available for loan modification with interest rates established for such purchase.

“(D) LOAN SERVICING.—In carrying out this paragraph, the Secretary may require the existing servicer of a mortgage assigned to the Secretary to continue servicing the mortgage as an agent of the Secretary during the period that the Secretary acquires and holds the mortgage for the purpose of modifying the terms of the mortgage, provided that the Secretary compensates the existing servicer appropriately, as such compensation is determined by the Secretary consistent, to the maximum extent possible, with section 203(b). If the mortgage is resold pursuant to subparagraph (C)(iii), the Secretary may provide for the existing servicer to continue to service the mortgage or may engage another entity to service the mortgage.”.

(4) IMPLEMENTATION.—The Secretary of Housing and Urban Development may implement the amendments made by this subsection through notice or mortgagee letter.

(e) CHANGE OF STATUS.—The National Housing Act is amended by striking section 532 (12 U.S.C. 1735f-10) and inserting the following new section:

“SEC. 532. CHANGE OF MORTGAGEE STATUS.

“(a) NOTIFICATION.—Upon the occurrence of any action described in subsection (b), an approved mortgagee shall immediately submit to the Secretary, in writing, notification of such occurrence.

“(b) ACTIONS.—The actions described in this subsection are as follows:

“(1) The debarment, suspension or a Limited Denial of Participation (LDP), or application of other sanctions, other exclusions, fines, or penalties applied to the mortgagee or to any officer, partner, director, principal, manager, supervisor, loan processor, loan underwriter, or loan originator of the mortgagee pursuant to applicable provisions of State or Federal law.

“(2) The revocation of a State-issued mortgage loan originator license issued pursuant to the S.A.F.E. Mortgage Licensing Act of 2008 (12 U.S.C. 5101 et seq.) or any other similar declaration of ineligibility pursuant to State law.”.

(f) CIVIL MONEY PENALTIES.—Section 536 of the National Housing Act (12 U.S.C. 1735f-14) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by inserting “or any of its owners, officers, or directors” after “mortgagee or lender”;

(ii) in subparagraph (H), by striking “title I” and all that follows through “under this Act.” and inserting “title I or II of this Act, or any implementing regulation, handbook, or mortgagee letter that is issued under this Act.”; and

(iii) by inserting after subparagraph (J) the following:

“(K) Violation of section 202(d) of this Act (12 U.S.C. 1708(d)).

“(L) Use of ‘Federal Housing Administration’, ‘Department of Housing and Urban Development’, ‘Government National Mortgage Association’, ‘Ginnie Mae’, the acronyms ‘HUD’, ‘FHA’, or ‘GNMA’, or any official seal or logo of the Department of Housing and Urban Development, except as authorized by the Secretary.”;

(B) in paragraph (2)—

(i) in subparagraph (B), by striking “or” at the end;

(ii) in subparagraph (C), by striking the period at the end and inserting “; or”; and

(iii) by adding at the end the following new subparagraph:

“(D) causing or participating in any of the violations set forth in paragraph (1) of this subsection.”; and

(C) by amending paragraph (3) to read as follows:

“(3) PROHIBITION AGAINST MISLEADING USE OF FEDERAL ENTITY DESIGNATION.—The Secretary may impose a civil money penalty, as adjusted from time to time, under subsection (a) for any use of ‘Federal Housing Administration’, ‘Department of Housing and Urban Development’, ‘Government National Mortgage Association’, ‘Ginnie Mae’, the acronyms ‘HUD’, ‘FHA’, or ‘GNMA’, or any official seal or logo of the Department of Housing and Urban Development, by any person, party, company, firm, partnership, or business, including sellers of real estate, closing agents, title companies, real estate agents, mortgage brokers, appraisers, loan correspondents, and dealers, except as authorized by the Secretary.”; and

(2) in subsection (g), by striking “The term” and all that follows through the end of the sentence and inserting “For purposes of this section, a person acts knowingly when a person has actual knowledge of acts or should have known of the acts.”.

(g) EXPANDED REVIEW OF FHA MORTGAGEE APPLICANTS AND NEWLY APPROVED MORTGAGEES.—Not later than the expiration of the 3-month period beginning upon the date of the enactment of this Act, the Secretary of Housing and Urban Development shall—

(1) expand the existing process for reviewing new applicants for approval for participation in the mortgage insurance programs of the Secretary for mortgages on 1- to 4-family residences for the purpose of identifying applicants who represent a high risk to the Mutual Mortgage Insurance Fund; and

(2) implement procedures that, for mortgages approved during the 12-month period ending upon such date of enactment—

(A) expand the number of mortgages originated by such mortgagees that are reviewed for compliance with applicable laws, regulations, and policies; and

(B) include a process for random reviews of such mortgagees and a process for reviews that is based on volume of mortgages originated by such mortgagees.

SEC. 204. ENHANCEMENT OF LIQUIDITY AND STABILITY OF INSURED DEPOSITORY INSTITUTIONS TO ENSURE AVAILABILITY OF CREDIT AND REDUCTION OF FORECLOSURES.

(a) TEMPORARY INCREASE IN DEPOSIT INSURANCE EXTENDED.—Section 136 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5241) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “December 31, 2009” and inserting “December 31, 2013”;

(B) by striking paragraph (2);

(C) by redesignating paragraph (3) as paragraph (2); and

(D) in paragraph (2), as so redesignated, by striking “December 31, 2009” and inserting “December 31, 2013”; and

(2) in subsection (b)—

(A) in paragraph (1), by striking “December 31, 2009” and inserting “December 31, 2013”;

(B) by striking paragraph (2);

(C) by redesignating paragraph (3) as paragraph (2); and

(D) in paragraph (2), as so redesignated, by striking “December 31, 2009” and inserting “December 31, 2013”; and

(b) EXTENSION OF RESTORATION PLAN PERIOD.—Section 7(b)(3)(E)(ii) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(3)(E)(ii)) is amended by striking “5-year period” and inserting “8-year period”.

(c) FDIC AND NCUA BORROWING AUTHORITY.—

(1) FDIC.—Section 14(a) of the Federal Deposit Insurance Act (12 U.S.C. 1824(a)) is amended—

(A) by striking “\$30,000,000,000” and inserting “\$100,000,000,000”;

(B) by striking “The Corporation is authorized” and inserting the following:

“(1) IN GENERAL.—The Corporation is authorized”;

(C) by striking “There are hereby” and inserting the following:

“(2) FUNDING.—There are hereby”; and

(D) by adding at the end the following:

“(3) TEMPORARY INCREASES AUTHORIZED.—

“(A) RECOMMENDATIONS FOR INCREASE.—During the period beginning on the date of enactment of this paragraph and ending on December 31, 2010, if, upon the written recommendation of the Board of Directors (upon a vote of not less than two-thirds of the members of the Board of Directors) and the Board of Governors of the Federal Reserve System (upon a vote of not less than two-thirds of the members of such Board), the Secretary of the Treasury (in consultation with the President) determines that additional amounts above the \$100,000,000,000 amount specified in paragraph (1) are necessary, such amount shall be increased to the amount so determined to be necessary, not to exceed \$500,000,000,000.

“(B) REPORT REQUIRED.—If the borrowing authority of the Corporation is increased above \$100,000,000,000 pursuant to subparagraph (A), the Corporation shall promptly submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives describing the reasons and need for the additional borrowing authority and its intended uses.

“(C) RESTRICTION ON USAGE.—The Corporation may not borrow pursuant to subparagraph (A) to fund obligations of the Corporation incurred as a part of a program established by the Secretary of the Treasury pursuant to the Emergency Economic Stabilization Act of 2008 to purchase or guarantee assets.”.

(2) NCUA.—Section 203(d)(1) of the Federal Credit Union Act (12 U.S.C. 1783(d)(1)) is amended to read as follows:

“(1) If, in the judgment of the Board, a loan to the insurance fund, or to the stabilization fund described in section 217 of this title, is required at any time for purposes of this subchapter, the Secretary of the Treasury shall make the loan, but loans under this paragraph shall not exceed in the aggregate \$6,000,000,000 outstanding at any one time. Except as otherwise provided in this subsection, section 217, and in subsection (e) of this section, each loan under this paragraph shall be made on such terms as may be fixed by agreement between the Board and the Secretary of the Treasury.”.

(3) TEMPORARY INCREASES OF BORROWING AUTHORITY FOR NCUA.—Section 203(d) of the Federal Credit Union Act (12 U.S.C. 1783(d)) is amended by adding at the end the following:

“(4) TEMPORARY INCREASES AUTHORIZED.—

“(A) RECOMMENDATIONS FOR INCREASE.—During the period beginning on the date of enactment of this paragraph and ending on December 31, 2010, if, upon the written recommendation of the Board (upon a vote of not less than two-thirds of the members of the Board) and the Board of Governors of the Federal Reserve System (upon a vote of not less than two-thirds of the members of such Board), the Secretary of the Treasury (in consultation with the President) determines that additional amounts above the \$6,000,000,000 amount specified in paragraph (1) are necessary, such amount shall be increased to the amount so determined to be necessary, not to exceed \$30,000,000,000.

“(B) REPORT REQUIRED.—If the borrowing authority of the Board is increased above \$6,000,000,000 pursuant to subparagraph (A), the Board shall promptly submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives describing the reasons and need for the additional borrowing authority and its intended uses.”.

(d) EXPANDING SYSTEMIC RISK SPECIAL ASSESSMENTS.—Section 13(c)(4)(G)(ii) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(4)(G)(ii)) is amended to read as follows:

“(ii) REPAYMENT OF LOSS.—

“(I) IN GENERAL.—The Corporation shall recover the loss to the Deposit Insurance Fund arising from any action taken or assistance provided with respect to an insured depository institution under clause (i) from 1 or more special assessments on insured depository institutions, depository institution holding companies (with the concurrence of the Secretary of the Treasury with respect to holding companies), or both, as the Corporation determines to be appropriate.

“(II) TREATMENT OF DEPOSITORY INSTITUTION HOLDING COMPANIES.—For purposes of this clause, sections 7(c)(2) and 18(h) shall apply to depository institution holding companies as if they were insured depository institutions.

“(III) REGULATIONS.—The Corporation shall prescribe such regulations as it deems necessary to implement this clause. In prescribing such regulations, defining terms, and setting the appropriate assessment rate or rates, the Corporation shall establish rates sufficient to cover the losses incurred as a result of the actions of the Corporation under clause (i) and shall consider: the types of entities that benefit from any action taken or assistance provided under this subparagraph; economic conditions, the effects on the industry, and such other factors as the Corporation deems appropriate and relevant to the action taken or the assistance provided. Any funds so collected that exceed actual losses shall be placed in the Deposit Insurance Fund.”.

(e) ESTABLISHMENT OF A NATIONAL CREDIT UNION SHARE INSURANCE FUND RESTORATION PLAN PERIOD.—Section 202(c)(2) of the Federal Credit Union Act (12 U.S.C. 1782(c)(2)) is amended by adding at the end the following new subparagraph:

“(D) FUND RESTORATION PLANS.—

“(i) IN GENERAL.—Whenever—

“(I) the Board projects that the equity ratio of the Fund will, within 6 months of such determination, fall below the minimum amount specified in subparagraph (C); or

“(II) the equity ratio of the Fund actually falls below the minimum amount specified in subparagraph (C) without any determination under sub-clause (I) having been made,

the Board shall establish and implement a restoration plan within 90 days that meets the requirements of clause (ii) and such other conditions as the Board determines to be appropriate.

“(ii) REQUIREMENTS OF RESTORATION PLAN.—A restoration plan meets the requirements of this clause if the plan provides that the equity ratio of the Fund will meet or exceed the minimum amount specified in subparagraph (C) before the end of the 8-year period beginning upon the implementation of the plan (or such longer period as the Board may determine to be necessary due to extraordinary circumstances).

“(iii) TRANSPARENCY.—Not more than 30 days after the Board establishes and implements a restoration plan under clause (i), the Board shall publish in the Federal Register a detailed analysis of the factors considered and the basis for the actions taken with regard to the plan.”.

(f) TEMPORARY CORPORATE CREDIT UNION STABILIZATION FUND.—

(1) ESTABLISHMENT OF STABILIZATION FUND.—Title II of the Federal Credit Union Act (12 U.S.C. 1781 et seq.) is amended by adding at the end the following new section: “SEC. 217. TEMPORARY CORPORATE CREDIT UNION STABILIZATION FUND.

“(a) ESTABLISHMENT OF STABILIZATION FUND.—There is hereby created in the Treasury of the United States a fund to be known as the ‘Temporary Corporate Credit Union Stabilization Fund.’ The Board will administer the Stabilization Fund as prescribed by section 209.

“(b) EXPENDITURES FROM STABILIZATION FUND.—Money in the Stabilization Fund shall be available upon requisition by the Board, without fiscal year limitation, for making payments for the purposes described in section 203(a), subject to the following additional limitations:

“(1) All payments other than administrative payments shall be connected to the conservatorship, liquidation, or threatened conservatorship or liquidation, of a corporate credit union.

“(2) Prior to authorizing each payment the Board shall—

“(A) certify that, absent the existence of the Stabilization Fund, the Board would have made the identical payment out of the National Credit Union Share Insurance Fund (Insurance Fund); and

“(B) report each such certification to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

“(c) AUTHORITY TO BORROW.—

(1) IN GENERAL.—The Stabilization Fund is authorized to borrow from the Secretary of the Treasury from time-to-time as deemed necessary by the Board. The maximum outstanding amount of all borrowings from the Treasury by the Stabilization Fund and the National Credit Union Share Insurance Fund, combined, is limited to the amount provided for in section 203(d)(1), including any authorized increases in that amount.

“(2) REPAYMENT OF ADVANCES.—

“(A) IN GENERAL.—The advances made under this section shall be repaid by the Stabilization Fund, and interest on such advance shall be paid, to the General fund of the Treasury.

“(B) VARIABLE RATE OF INTEREST.—The Secretary of the Treasury shall make the first rate determination at the time of the first advance under this section and shall reset the rate again for all advances on each anniversary of the first advance. The interest rate shall be equal to the average market yield on outstanding marketable obligations of the United States with remaining periods to maturity equal to 12 months.

“(3) REPAYMENT SCHEDULE.—The Stabilization Fund shall repay the advances on a first-in, first-out basis, with interest on the amount repaid, at times and dates determined by the Board at its discretion. All advances shall be repaid not later than the date of the seventh anniversary of the first advance to the Stabilization Fund, unless the Board extends this final repayment date. The Board shall obtain the concurrence of the Secretary of the Treasury on any proposed extension, including the terms and conditions of the extended repayment.

“(d) ASSESSMENT TO REPAY ADVANCES.—At least 90 days prior to each repayment described in subsection (c)(3), the Board shall set the amount of the upcoming repayment and determine if the Stabilization Fund will have sufficient funds to make the repayment. If the Stabilization Fund might not have sufficient funds to make the repayment, the Board shall assess each federally insured credit union a special premium due and payable within 60 days in an aggregate amount calculated to ensure the Stabilization Fund is able to make the repayment. The premium charge for each credit union shall be stated as a percentage of its insured shares as represented on the credit union’s previous call report. The percentage shall be identical for each credit union. Any credit union that fails to make timely payment of the special premium is subject to the procedures and penalties described under subsections (d), (e), and (f) of section 202.

“(e) DISTRIBUTIONS FROM INSURANCE FUND.—At the end of any calendar year in which the Stabilization Fund has an outstanding advance from the Treasury, the Insurance Fund is prohibited from making the distribution to insured credit unions described in section 202(c)(3). In lieu of the distribution described in that section, the Insurance Fund shall make a distribution to the Stabilization Fund of the maximum amount possible that does not reduce the Insurance Fund’s equity ratio below the normal operating level and does not reduce the Insurance Fund’s available assets ratio below 1.0 percent.

“(f) INVESTMENT OF STABILIZATION FUND ASSETS.—The Board may request the Secretary of the Treasury to invest such portion of the Stabilization Fund as is not, in the Board’s judgment, required to meet the current needs of the Stabilization Fund. Such investments shall be made by the Secretary of the Treasury in public debt securities, with maturities suitable to the needs of the Stabilization Fund, as determined by the Board, and bearing interest at a rate determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity.

“(g) REPORTS.—The Board shall submit an annual report to Congress on the financial condition and the results of the operation of the Stabilization Fund. The report is due to Congress within 30 days after each anniversary of the first advance made under subsection (c)(1). Because the Fund will use ad-

vances from the Treasury to meet corporate stabilization costs with full repayment of borrowings to Treasury at the Board’s discretion not due until 7 years from the initial advance, to the extent operating expenses of the Fund exceed income, the financial condition of the Fund may reflect a deficit. With planned and required future repayments, the Board shall resolve all deficits prior to termination of the Fund.

“(h) CLOSING OF STABILIZATION FUND.—Within 90 days following the seventh anniversary of the initial Stabilization Fund advance, or earlier at the Board’s discretion, the Board shall distribute any funds, property, or other assets remaining in the Stabilization Fund to the Insurance Fund and shall close the Stabilization Fund. If the Board extends the final repayment date as permitted under subsection (c)(3), the mandatory date for closing the Stabilization Fund shall be extended by the same number of days.”.

(2) CONFORMING AMENDMENT.—Section 202(c)(3)(A) of the Federal Credit Union Act (12 U.S.C. 1782(c)(3)(A)) is amended by inserting “, subject to the requirements of section 217(e),” after “The Board shall”.

SEC. 205. APPLICATION OF GSE CONFORMING LOAN LIMIT TO MORTGAGES ASSISTED WITH TARP FUNDS.

In making any assistance available to prevent and mitigate foreclosures on residential properties, including any assistance for mortgage modifications, using any amounts made available to the Secretary of the Treasury under title I of the Emergency Economic Stabilization Act of 2008, the Secretary shall provide that the limitation on the maximum original principal obligation of a mortgage that may be modified, refinanced, made, guaranteed, insured, or otherwise assisted, using such amounts shall not be less than the dollar amount limitation on the maximum original principal obligation of a mortgage that may be purchased by the Federal Home Loan Mortgage Corporation that is in effect, at the time that the mortgage is modified, refinanced, made, guaranteed, insured, or otherwise assisted using such amounts, for the area in which the property involved in the transaction is located.

SEC. 206. MORTGAGES ON CERTAIN HOMES ON LEASED LAND.

Section 255(b)(4) of the National Housing Act (12 U.S.C. 1715z–20(b)(4)) is amended by striking subparagraph (B) and inserting:

“(B) under a lease that has a term that ends no earlier than the minimum number of years, as specified by the Secretary, beyond the actuarial life expectancy of the mortgagor or comortgagor, whichever is the later date.”.

SEC. 207. SENSE OF CONGRESS REGARDING MORTGAGE REVENUE BOND PURCHASES.

It is the sense of the Congress that the Secretary of the Treasury should use amounts made available in this Act to purchase mortgage revenue bonds for single-family housing issued through State housing finance agencies and through units of local government and agencies thereof.

TITLE III—MORTGAGE FRAUD TASK FORCE

SEC. 301. SENSE OF CONGRESS ON ESTABLISHMENT OF A NATIONWIDE MORTGAGE FRAUD TASK FORCE.

(a) IN GENERAL.—It is the sense of the Congress that the Department of Justice establish a Nationwide Mortgage Fraud Task Force (hereinafter referred to in this section as the “Task Force”) to address mortgage fraud in the United States.

(b) SUPPORT.—If the Department of Justice establishes the Task Force referred to in

subsection (a), it is the sense of the Congress that the Attorney General should provide the Task Force with the appropriate staff, administrative support, and other resources necessary to carry out the duties of the Task Force.

(c) **MANDATORY FUNCTIONS.**—If the Department of Justice establishes the Task Force referred to in subsection (a), it is the sense of the Congress that the Attorney General should—

(1) establish coordinating entities, and solicit the voluntary participation of Federal, State, and local law enforcement and prosecutorial agencies in such entities, to organize initiatives to address mortgage fraud, including initiatives to enforce State mortgage fraud laws and other related Federal and State laws;

(2) provide training to Federal, State, and local law enforcement and prosecutorial agencies with respect to mortgage fraud, including related Federal and State laws;

(3) collect and disseminate data with respect to mortgage fraud, including Federal, State, and local data relating to mortgage fraud investigations and prosecutions; and

(4) perform other functions determined by the Attorney General to enhance the detection of, prevention of, and response to mortgage fraud in the United States.

(d) **OPTIONAL FUNCTIONS.**—If the Department of Justice establishes the Task Force referred to in subsection (a), it is the sense of the Congress that the Task Force should—

(1) initiate and coordinate Federal mortgage fraud investigations and, through the coordinating entities described under subsection (c), State and local mortgage fraud investigations;

(2) establish a toll-free hotline for—

(A) reporting mortgage fraud;

(B) providing the public with access to information and resources with respect to mortgage fraud; and

(C) directing reports of mortgage fraud to the appropriate Federal, State, and local law enforcement and prosecutorial agency, including to the appropriate branch of the Task Force established under subsection (d);

(3) create a database with respect to suspensions and revocations of mortgage industry licenses and certifications to facilitate the sharing of such information by States;

(4) make recommendations with respect to the need for and resources available to provide the equipment and training necessary for the Task Force to combat mortgage fraud; and

(5) propose legislation to Federal, State, and local legislative bodies with respect to the elimination and prevention of mortgage fraud, including measures to address mortgage loan procedures and property appraiser practices that provide opportunities for mortgage fraud.

TITLE IV—FORECLOSURE MORATORIUM PROVISIONS

SEC. 401. SENSE OF THE CONGRESS ON FORECLOSURES.

(a) **IN GENERAL.**—It is the sense of the Congress that mortgage holders, institutions, and mortgage servicers should not initiate a foreclosure proceeding or a foreclosure sale on any homeowner until the foreclosure mitigation provisions, like the Hope for Homeowners program, as required under title II, and the President's "Homeowner Affordability and Stability Plan" have been implemented and determined to be operational by the Secretary of Housing and Urban Development and the Secretary of the Treasury.

(b) **SCOPE OF MORATORIUM.**—The foreclosure moratorium referred to in subsection (a) should apply only for first mortgages secured by the owner's principal dwelling.

(c) **FHA-REGULATED LOAN MODIFICATION AGREEMENTS.**—If a mortgage holder, institution, or mortgage servicer to which subsection (a) applies reaches a loan modification agreement with a homeowner under the auspices of the Federal Housing Administration before any plan referred to in such subsection takes effect, subsection (a) shall cease to apply to such institution as of the effective date of the loan modification agreement.

(d) **DUTY OF CONSUMER TO MAINTAIN PROPERTY.**—Any homeowner for whose benefit any foreclosure proceeding or sale is barred under subsection (a) from being instituted, continued, or consummated with respect to any homeowner mortgage should not, with respect to any property securing such mortgage, destroy, damage, or impair such property, allow the property to deteriorate, or commit waste on the property.

(e) **DUTY OF CONSUMER TO RESPOND TO REASONABLE INQUIRIES.**—Any homeowner for whose benefit any foreclosure proceeding or sale is barred under subsection (a) from being instituted, continued, or consummated with respect to any homeowner mortgage should respond to reasonable inquiries from a creditor or servicer during the period during which such foreclosure proceeding or sale is barred.

SEC. 402. PUBLIC-PRIVATE INVESTMENT PROGRAM; ADDITIONAL APPROPRIATIONS FOR THE SPECIAL INSPECTOR GENERAL FOR THE TROUBLED ASSET RELIEF PROGRAM.

(a) **SHORT TITLE.**—This section may be cited as the "Public-Private Investment Program Improvement and Oversight Act of 2009".

(b) **PUBLIC-PRIVATE INVESTMENT PROGRAM.**—

(1) **IN GENERAL.**—Any program established by the Federal Government to create a public-private investment fund shall—

(A) in consultation with the Special Inspector General of the Trouble Asset Relief Program (in this section referred to as the "Special Inspector General"), impose strict conflict of interest rules on managers of public-private investment funds to ensure that securities bought by the funds are purchased in arms-length transactions, that fiduciary duties to public and private investors in the fund are not violated, and that there is full disclosure of relevant facts and financial interests (which conflict of interest rules shall be implemented by the manager of a public-private investment fund prior to such fund receiving Federal Government financing);

(B) require each public-private investment fund to make a quarterly report to the Secretary of the Treasury (in this section referred to as the "Secretary") that discloses the 10 largest positions of such fund (which reports shall be publicly disclosed at such time as the Secretary of the Treasury determines that such disclosure will not harm the ongoing business operations of the fund);

(C) allow the Special Inspector General access to all books and records of a public-private investment fund, including all records of financial transactions in machine readable form, and the confidentiality of all such information shall be maintained by the Special Inspector General;

(D) require each manager of a public-private investment fund to retain all books, documents, and records relating to such public-private investment fund, including electronic messages;

(E) require each manager of a public-private investment fund to acknowledge, in writing, a fiduciary duty to both the public and private investors in such fund;

(F) require each manager of a public-private investment fund to develop a robust ethics policy that includes methods to ensure compliance with such policy;

(G) require strict investor screening procedures for public-private investment funds; and

(H) require each manager of a public-private fund to identify for the Secretary, on a periodic basis, each investor that, individually or together with affiliates, directly or indirectly, holds equity interests equal to at least 10 percent of the equity interest of the fund including if such interests are held in a vehicle formed for the purpose of directly or indirectly investing in the fund.

(2) **INTERACTION BETWEEN PUBLIC-PRIVATE INVESTMENT FUNDS AND THE TERM-ASSET BACKED SECURITIES LOAN FACILITY.**—The Secretary shall consult with the Special Inspector General and shall issue regulations governing the interaction of the Public-Private Investment Program, the Term-Asset Backed Securities Loan Facility, and other similar public-private investment programs. Such regulations shall address concerns regarding the potential for excessive leverage that could result from interactions between such programs.

(3) **REPORT.**—Not later than 60 days after the date of the establishment of a program described in paragraph (1), the Special Inspector General shall submit a report to Congress on the implementation of this section.

(c) **ADDITIONAL APPROPRIATIONS FOR THE SPECIAL INSPECTOR GENERAL.**—

(1) **IN GENERAL.**—Of amounts made available under section 115(a) of the Emergency Economic Stabilization Act of 2008 (Public Law 110-343), \$15,000,000 shall be made available to the Special Inspector General, which shall be in addition to amounts otherwise made available to the Special Inspector General.

(2) **PRIORITIES.**—In utilizing funds made available under this section, the Special Inspector General shall prioritize the performance of audits or investigations of recipients of non-recourse Federal loans made under "any program that is funded in whole or in part by funds appropriated under the Emergency Economic Stabilization Act of 2008," to the extent that such priority is consistent with other aspects of the mission of the Special Inspector General. Such audits or investigations shall determine the existence of any collusion between the loan recipient and the seller or originator of the asset used as loan collateral, or any other conflict of interest that may have led the loan recipient to deliberately overstate the value of the asset used as loan collateral.

(d) **RULE OF CONSTRUCTION.**—Notwithstanding any other provision of law, nothing in this section shall be construed to apply to any activity of the Federal Deposit Insurance Corporation in connection with insured depository institutions, as described in section 13(c)(2)(B) of the Federal Deposit Insurance Act.

(e) **DEFINITION.**—In this section, the term "public-private investment fund" means a financial vehicle that is—

(1) established by the Federal Government to purchase pools of loans, securities, or assets from a financial institution described in section 101(a)(1) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211(a)(1)); and

(2) funded by a combination of cash or equity from private investors and funds provided by the Secretary of the Treasury or funds appropriated under the Emergency Economic Stabilization Act of 2008.

(f) **OFFSET OF COSTS OF PROGRAM CHANGES.**—Notwithstanding the amendment made by section 202(b) of this Act, paragraph (3) of section 115(a) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5225) is amended by inserting "as such amount is reduced by \$1,259,000,000," after "\$700,000,000,000".

(g) REGULATIONS.—The Secretary of the Treasury may prescribe such regulations or other guidance as may be necessary or appropriate to define terms or carry out the authorities or purposes of this section.

SEC. 403. REMOVAL OF REQUIREMENT TO LIQUIDATE WARRANTS UNDER THE TARP.

Section 111(g) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5221(g)) is amended by striking “shall liquidate warrants associated with such assistance at the current market price” and inserting “, at the market price, may liquidate warrants associated with such assistance”.

SEC. 404. NOTIFICATION OF SALE OR TRANSFER OF MORTGAGE LOANS.

(a) IN GENERAL.—Section 131 of the Truth in Lending Act (15 U.S.C. 1641) is amended by adding at the end the following:

“(g) NOTICE OF NEW CREDITOR.—

“(1) IN GENERAL.—In addition to other disclosures required by this title, not later than 30 days after the date on which a mortgage loan is sold or otherwise transferred or assigned to a third party, the creditor that is the new owner or assignee of the debt shall notify the borrower in writing of such transfer, including—

“(A) the identity, address, telephone number of the new creditor;

“(B) the date of transfer;

“(C) how to reach an agent or party having authority to act on behalf of the new creditor;

“(D) the location of the place where transfer of ownership of the debt is recorded; and

“(E) any other relevant information regarding the new creditor.

“(2) DEFINITION.—As used in this subsection, the term ‘mortgage loan’ means any consumer credit transaction that is secured by the principal dwelling of a consumer.”.

(b) PRIVATE RIGHT OF ACTION.—Section 130(a) of the Truth in Lending Act (15 U.S.C. 1640(a)) is amended by inserting “subsection (f) or (g) of section 131,” after “section 125,”.

TITLE V—FARM LOAN RESTRUCTURING

SEC. 501. CONGRESSIONAL OVERSIGHT PANEL SPECIAL REPORT.

Section 125(b) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5233(b)) is amended by adding at the end the following:

“(3) SPECIAL REPORT ON FARM LOAN RESTRUCTURING.—Not later than 60 days after the date of enactment of this paragraph, the Oversight Panel shall submit a special report on farm loan restructuring that—

“(A) analyzes the state of the commercial farm credit markets and the use of loan restructuring as an alternative to foreclosure by recipients of financial assistance under the Troubled Asset Relief Program; and

“(B) includes an examination of and recommendation on the different methods for farm loan restructuring that could be used as part of a foreclosure mitigation program for farm loans made by recipients of financial assistance under the Troubled Asset Relief Program, including any programs for direct loan restructuring or modification carried out by the Farm Service Agency of the Department of Agriculture, the farm credit system, and the Making Home Affordable Program of the Department of the Treasury.”.

TITLE VI—ENHANCED OVERSIGHT OF THE TROUBLED ASSET RELIEF PROGRAM

SEC. 601. ENHANCED OVERSIGHT OF THE TROUBLED ASSET RELIEF PROGRAM.

Section 116 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5226) is amended—

(1) in subsection (a)(1)(A)—

(A) in clause (iii), by striking “and” at the end;

(B) in clause (iv), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(v) public accountability for the exercise of such authority, including with respect to actions taken by those entities participating in programs established under this Act.”; and

(2) in subsection (a)(2)—

(A) by redesignating subparagraph (C) as subparagraph (F); and

(B) by striking subparagraphs (A) and (B) and inserting the following:

“(A) DEFINITION.—In this paragraph, the term ‘governmental unit’ has the meaning given under section 101(27) of title 11, United States Code, and does not include any insured depository institution as defined under section 3 of the Federal Deposit Insurance Act (12 U.S.C. 8113).

“(B) GAO PRESENCE.—The Secretary shall provide the Comptroller General with appropriate space and facilities in the Department of the Treasury as necessary to facilitate oversight of the TARP until the termination date established in section 5230 of this title.

“(C) ACCESS TO RECORDS.—

“(i) IN GENERAL.—Notwithstanding any other provision of law, and for purposes of reviewing the performance of the TARP, the Comptroller General shall have access, upon request, to any information, data, schedules, books, accounts, financial records, reports, files, electronic communications, or other papers, things, or property belonging to or in use by the TARP, any entity established by the Secretary under this Act, any entity that is established by a Federal reserve bank and receives funding from the TARP, or any entity (other than a governmental unit) participating in a program established under the authority of this Act, and to the officers, employees, directors, independent public accountants, financial advisors and any and all other agents and representatives thereof, at such time as the Comptroller General may request.

“(ii) VERIFICATION.—The Comptroller General shall be afforded full facilities for verifying transactions with the balances or securities held by, among others, depositories, fiscal agents, and custodians.

“(iii) COPIES.—The Comptroller General may make and retain copies of such books, accounts, and other records as the Comptroller General determines appropriate.

“(D) AGREEMENT BY ENTITIES.—Each contract, term sheet, or other agreement between the Secretary or the TARP (or any TARP vehicle, officer, director, employee, independent public accountant, financial advisor, or other TARP agent or representative) and an entity (other than a governmental unit) participating in a program established under this Act shall provide for access by the Comptroller General in accordance with this section.

“(E) RESTRICTION ON PUBLIC DISCLOSURE.—

“(i) IN GENERAL.—The Comptroller General may not publicly disclose proprietary or trade secret information obtained under this section.

“(ii) EXCEPTION FOR CONGRESSIONAL COMMITTEES.—This subparagraph does not limit disclosures to congressional committees or members thereof having jurisdiction over a private or public entity referred to under subparagraph (C).

“(iii) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to alter or amend the prohibitions against the disclosure of trade secrets or other information prohibited by section 1905 of title 18, United States Code, section 714(c) of title 31, United States Code, or other applicable provisions of law.”.

TITLE VII—PROTECTING TENANTS AT FORECLOSURE ACT

SEC. 701. SHORT TITLE.

This title may be cited as the “Protecting Tenants at Foreclosure Act of 2009”.

SEC. 702. EFFECT OF FORECLOSURE ON PRE-EXISTING TENANCY.

(a) IN GENERAL.—In the case of any foreclosure on a federally-related mortgage loan or on any dwelling or residential real property after the date of enactment of this title, any immediate successor in interest in such property pursuant to the foreclosure shall assume such interest subject to—

(1) the provision, by such successor in interest of a notice to vacate to any bona fide tenant at least 90 days before the effective date of such notice; and

(2) the rights of any bona fide tenant, as of the date of such notice of foreclosure—

(A) under any bona fide lease entered into before the notice of foreclosure to occupy the premises until the end of the remaining term of the lease, except that a successor in interest may terminate a lease effective on the date of sale of the unit to a purchaser who will occupy the unit as a primary residence, subject to the receipt by the tenant of the 90 day notice under paragraph (1); or

(B) without a lease or with a lease terminable at will under State law, subject to the receipt by the tenant of the 90 day notice under subsection (1),

except that nothing under this section shall affect the requirements for termination of any Federal- or State-subsidized tenancy or of any State or local law that provides longer time periods or other additional protections for tenants.

(b) BONA FIDE LEASE OR TENANCY.—For purposes of this section, a lease or tenancy shall be considered bona fide only if—

(1) the mortgagor “or the child, spouse, or parent of the mortgagor” under the contract is not the tenant;

(2) the lease or tenancy was the result of an arms-length transaction; and

(3) the lease or tenancy requires the receipt of rent that is not substantially less than fair market rent for the property “or the unit’s rent is reduced or subsidized due to a Federal, State, or local subsidy”.

(c) DEFINITION.—For purposes of this section, the term “federally-related mortgage loan” has the same meaning as in section 3 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2602).

SEC. 703. EFFECT OF FORECLOSURE ON SECTION 8 TENANCIES.

Section 8(o)(7) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(7)) is amended—

(1) by inserting before the semicolon in subparagraph (C) the following: “and in the case of an owner who is an immediate successor in interest pursuant to foreclosure during the term of the lease vacating the property prior to sale shall not constitute other good cause, except that the owner may terminate the tenancy effective on the date of transfer of the unit to the owner if the owner—

“(i) will occupy the unit as a primary residence; and

“(ii) has provided the tenant a notice to vacate at least 90 days before the effective date of such notice.”; and

(2) by inserting at the end of subparagraph (F) the following: “In the case of any foreclosure on any federally-related mortgage loan (as that term is defined in section 3 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2602)) or on any residential

real property in which a recipient of assistance under this subsection resides, the immediate successor in interest in such property pursuant to the foreclosure shall assume such interest subject to the lease between the prior owner and the tenant and to the housing assistance payments contract between the prior owner and the public housing agency for the occupied unit, except that this provision and the provisions related to foreclosure in subparagraph (C) shall not shall not affect any State or local law that provides longer time periods or other additional protections for tenants.”.

SEC. 704. SUNSET.

This title, and any amendments made by this title are repealed, and the requirements under this title shall terminate, on December 31, 2012.

TITLE VIII—COMPTROLLER GENERAL ADDITIONAL AUDIT AUTHORITIES

SEC. 801. COMPTROLLER GENERAL ADDITIONAL AUDIT AUTHORITIES.

(a) BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.—Section 714 of title 31, United States Code, is amended—

(1) in subsection (a), by striking “Federal Reserve Board,” and inserting “Board of Governors of the Federal Reserve System (in this section referred to as the ‘Board’).”; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “Federal Reserve Board,” and inserting “Board”; and

(B) in paragraph (4), by striking “of Governors”.

(b) CONFIDENTIAL INFORMATION.—Section 714(c) of title 31, United States Code, is amended by striking paragraph (3) and inserting the following:

“(3) Except as provided under paragraph (4), an officer or employee of the Government Accountability Office may not disclose to any person outside the Government Accountability Office information obtained in audits or examinations conducted under subsection (e) and maintained as confidential by the Board or the Federal reserve banks.

“(4) This subsection shall not—

“(A) authorize an officer or employee of an agency to withhold information from any committee or subcommittee of jurisdiction of Congress, or any member of such committee or subcommittee; or

“(B) limit any disclosure by the Government Accountability Office to any committee or subcommittee of jurisdiction of Congress, or any member of such committee or subcommittee.”.

(c) ACCESS TO RECORDS.—Section 714(d) of title 31, United States Code, is amended—

(1) in paragraph (1), by inserting “The Comptroller General shall have access to the officers, employees, contractors, and other agents and representatives of an agency and any entity established by an agency at any reasonable time as the Comptroller General may request. The Comptroller General may make and retain copies of such books, accounts, and other records as the Comptroller General determines appropriate.” after the first sentence;

(2) in paragraph (2), by inserting “, copies of any record,” after “records”; and

(3) by adding at the end the following:

“(3)(A) For purposes of conducting audits and examinations under subsection (e), the Comptroller General shall have access, upon request, to any information, data, schedules, books, accounts, financial records, reports, files, electronic communications, or other papers, things or property belonging to or in use by—

“(i) any entity established by any action taken by the Board described under subsection (e);

“(ii) any entity receiving assistance from any action taken by the Board described

under subsection (e), to the extent that the access and request relates to that assistance; and

“(iii) the officers, directors, employees, independent public accountants, financial advisors and any and all representatives of any entity described under clause (i) or (ii); to the extent that the access and request relates to that assistance;

“(B) The Comptroller General shall have access as provided under subparagraph (A) at such time as the Comptroller General may request.

“(C) Each contract, term sheet, or other agreement between the Board or any Federal reserve bank (or any entity established by the Board or any Federal reserve bank) and an entity receiving assistance from any action taken by the Board described under subsection (e) shall provide for access by the Comptroller General in accordance with this paragraph.”.

(d) AUDITS OF CERTAIN ACTIONS OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.—Section 714 of title 31, United States Code, is amended by adding at the end the following:

“(e) Notwithstanding subsection (b), the Comptroller General may conduct audits, including onsite examinations when the Comptroller General determines such audits and examinations are appropriate, of any action taken by the Board under the third undesignated paragraph of section 13 of the Federal Reserve Act (12 U.S.C. 343); with respect to a single and specific partnership or corporation.”.

DIVISION B—HOMELESSNESS REFORM

SEC. 1001. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the “Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009”.

(b) TABLE OF CONTENTS.—The table of contents for this division is as follows:

DIVISION B—HOMELESSNESS REFORM

Sec. 1001. Short title; table of contents.

Sec. 1002. Findings and purposes.

Sec. 1003. Definition of homelessness.

Sec. 1004. United States Interagency Council on Homelessness.

TITLE I—HOUSING ASSISTANCE GENERAL PROVISIONS

Sec. 1101. Definitions.

Sec. 1102. Community homeless assistance planning boards.

Sec. 1103. General provisions.

Sec. 1104. Protection of personally identifying information by victim service providers.

Sec. 1105. Authorization of appropriations.

TITLE II—EMERGENCY SOLUTIONS GRANTS PROGRAM

Sec. 1201. Grant assistance.

Sec. 1202. Eligible activities.

Sec. 1203. Participation in Homeless Management Information System.

Sec. 1204. Administrative provision.

Sec. 1205. GAO study of administrative fees.

TITLE III—CONTINUUM OF CARE PROGRAM

Sec. 1301. Continuum of care.

Sec. 1302. Eligible activities.

Sec. 1303. High performing communities.

Sec. 1304. Program requirements.

Sec. 1305. Selection criteria, allocation amounts, and funding.

Sec. 1306. Research.

TITLE IV—RURAL HOUSING STABILITY ASSISTANCE PROGRAM

Sec. 1401. Rural housing stability assistance.

Sec. 1402. GAO study of homelessness and homeless assistance in rural areas.

TITLE V—REPEALS AND CONFORMING AMENDMENTS

Sec. 1501. Repeals.

Sec. 1502. Conforming amendments.

Sec. 1503. Effective date.

Sec. 1504. Regulations.

Sec. 1505. Amendment to table of contents.

SEC. 1002. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) a lack of affordable housing and limited scale of housing assistance programs are the primary causes of homelessness; and

(2) homelessness affects all types of communities in the United States, including rural, urban, and suburban areas.

(b) PURPOSES.—The purposes of this division are—

(1) to consolidate the separate homeless assistance programs carried out under title IV of the McKinney-Vento Homeless Assistance Act (consisting of the supportive housing program and related innovative programs, the safe havens program, the section 8 assistance program for single-room occupancy dwellings, and the shelter plus care program) into a single program with specific eligible activities;

(2) to codify in Federal law the continuum of care planning process as a required and integral local function necessary to generate the local strategies for ending homelessness; and

(3) to establish a Federal goal of ensuring that individuals and families who become homeless return to permanent housing within 30 days.

SEC. 1003. DEFINITION OF HOMELESSNESS.

(a) IN GENERAL.—Section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d); and

(2) by striking subsection (a) and inserting the following:

“(a) IN GENERAL.—For purposes of this Act, the terms ‘homeless’, ‘homeless individual’, and ‘homeless person’ means—

“(1) an individual or family who lacks a fixed, regular, and adequate nighttime residence;

“(2) an individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground;

“(3) an individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including hotels and motels paid for by Federal, State, or local government programs for low-income individuals or by charitable organizations, congregate shelters, and transitional housing);

“(4) an individual who resided in a shelter or place not meant for human habitation and who is exiting an institution where he or she temporarily resided;

“(5) an individual or family who—

“(A) will imminently lose their housing, including housing they own, rent, or live in without paying rent, are sharing with others, and rooms in hotels or motels not paid for by Federal, State, or local government programs for low-income individuals or by charitable organizations, as evidenced by—

“(i) a court order resulting from an eviction action that notifies the individual or family that they must leave within 14 days;

“(ii) the individual or family having a primary nighttime residence that is a room in a hotel or motel and where they lack the resources necessary to reside there for more than 14 days; or

“(iii) credible evidence indicating that the owner or renter of the housing will not allow the individual or family to stay for more than 14 days, and any oral statement from an

individual or family seeking homeless assistance that is found to be credible shall be considered credible evidence for purposes of this clause;

“(B) has no subsequent residence identified; and

“(C) lacks the resources or support networks needed to obtain other permanent housing; and

“(6) unaccompanied youth and homeless families with children and youth defined as homeless under other Federal statutes who—

“(A) have experienced a long term period without living independently in permanent housing,

“(B) have experienced persistent instability as measured by frequent moves over such period, and

“(C) can be expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse, the presence of a child or youth with a disability, or multiple barriers to employment.

“(b) DOMESTIC VIOLENCE AND OTHER DANGEROUS OR LIFE-THREATENING CONDITIONS.—Notwithstanding any other provision of this section, the Secretary shall consider to be homeless any individual or family who is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions in the individual's or family's current housing situation, including where the health and safety of children are jeopardized, and who have no other residence and lack the resources or support networks to obtain other permanent housing.”

(b) REGULATIONS.—Not later than the expiration of the 6-month period beginning upon the date of the enactment of this division, the Secretary of Housing and Urban Development shall issue regulations that provide sufficient guidance to recipients of funds under title IV of the McKinney-Vento Homeless Assistance Act to allow uniform and consistent implementation of the requirements of section 103 of such Act, as amended by subsection (a) of this section. This subsection shall take effect on the date of the enactment of this division.

(c) CLARIFICATION OF EFFECT ON OTHER LAWS.—This section and the amendments made by this section to section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302) may not be construed to affect, alter, limit, annul, or supersede any other provision of Federal law providing a definition of “homeless”, “homeless individual”, or “homeless person” for purposes other than such Act, except to the extent that such provision refers to such section 103 or the definition provided in such section 103.

SEC. 1004. UNITED STATES INTERAGENCY COUNCIL ON HOMELESSNESS.

(a) IN GENERAL.—Title II of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11311 et seq.) is amended—

(1) in section 201 (42 U.S.C. 11311), by inserting before the period at the end the following “whose mission shall be to coordinate the Federal response to homelessness and to create a national partnership at every level of government and with the private sector to reduce and end homelessness in the nation while maximizing the effectiveness of the Federal Government in contributing to the end of homelessness”;

(2) in section 202 (42 U.S.C. 11312)—

(A) in subsection (a)—

(i) by redesignating paragraph (16) as paragraph (22); and

(ii) by inserting after paragraph (15) the following:

“(16) The Commissioner of Social Security, or the designee of the Commissioner.

“(17) The Attorney General of the United States, or the designee of the Attorney General.

“(18) The Director of the Office of Management and Budget, or the designee of the Director.

“(19) The Director of the Office of Faith-Based and Community Initiatives, or the designee of the Director.

“(20) The Director of USA Freedom Corps, or the designee of the Director.”;

(B) in subsection (c), by striking “annually” and inserting “four times each year, and the rotation of the positions of Chairperson and Vice Chairperson required under subsection (b) shall occur at the first meeting of each year”;

(C) by adding at the end the following:

“(e) ADMINISTRATION.—The Executive Director of the Council shall report to the Chairman of the Council.”;

(3) in section 203(a) (42 U.S.C. 11313(a))—

(A) by redesignating paragraphs (1), (2), (3), (4), (5), (6), and (7) as paragraphs (2), (3), (4), (5), (9), (10), and (11), respectively;

(B) by inserting before paragraph (2), as so redesignated by subparagraph (A), the following:

“(1) not later than 12 months after the date of the enactment of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, develop, make available for public comment, and submit to the President and to Congress a National Strategic Plan to End Homelessness, and shall update such plan annually”;

(C) in paragraph (5), as redesignated by subparagraph (A), by striking “at least 2, but in no case more than 5” and inserting “not less than 5, but in no case more than 10”;

(D) by inserting after paragraph (5), as so redesignated by subparagraph (A), the following:

“(6) encourage the creation of State Interagency Councils on Homelessness and the formulation of jurisdictional 10-year plans to end homelessness at State, city, and county levels;

“(7) annually obtain from Federal agencies their identification of consumer-oriented entitlement and other resources for which persons experiencing homelessness may be eligible and the agencies' identification of improvements to ensure access; develop mechanisms to ensure access by persons experiencing homelessness to all Federal, State, and local programs for which the persons are eligible, and to verify collaboration among entities within a community that receive Federal funding under programs targeted for persons experiencing homelessness, and other programs for which persons experiencing homelessness are eligible, including mainstream programs identified by the Government Accountability Office in the reports entitled ‘Homelessness: Coordination and Evaluation of Programs Are Essential’, issued February 26, 1999, and ‘Homelessness: Barriers to Using Mainstream Programs’, issued July 6, 2000;

“(8) conduct research and evaluation related to its functions as defined in this section;

“(9) develop joint Federal agency and other initiatives to fulfill the goals of the agency”;

(E) in paragraph (10), as so redesignated by subparagraph (A), by striking “and” at the end;

(F) in paragraph (11), as so redesignated by subparagraph (A), by striking the period at the end and inserting a semicolon;

(G) by adding at the end the following new paragraphs:

“(12) develop constructive alternatives to criminalizing homelessness and laws and policies that prohibit sleeping, feeding, sitting, resting, or lying in public spaces when

there are no suitable alternatives, result in the destruction of a homeless person's property without due process, or are selectively enforced against homeless persons; and

“(13) not later than the expiration of the 6-month period beginning upon completion of the study requested in a letter to the Acting Comptroller General from the Chair and Ranking Member of the House Financial Services Committee and several other members regarding various definitions of homelessness in Federal statutes, convene a meeting of representatives of all Federal agencies and committees of the House of Representatives and the Senate having jurisdiction over any Federal program to assist homeless individuals or families, local and State governments, academic researchers who specialize in homelessness, nonprofit housing and service providers that receive funding under any Federal program to assist homeless individuals or families, organizations advocating on behalf of such nonprofit providers and homeless persons receiving housing or services under any such Federal program, and homeless persons receiving housing or services under any such Federal program, at which meeting such representatives shall discuss all issues relevant to whether the definitions of ‘homeless’ under paragraphs (1) through (4) of section 103(a) of the McKinney-Vento Homeless Assistance Act, as amended by section 1003 of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, should be modified by the Congress, including whether there is a compelling need for a uniform definition of homelessness under Federal law, the extent to which the differences in such definitions create barriers for individuals to accessing services and to collaboration between agencies, and the relative availability, and barriers to access by persons defined as homeless, of mainstream programs identified by the Government Accountability Office in the two reports identified in paragraph (7) of this subsection; and shall submit transcripts of such meeting, and any majority and dissenting recommendations from such meetings, to each committee of the House of Representatives and the Senate having jurisdiction over any Federal program to assist homeless individuals or families not later than the expiration of the 60-day period beginning upon conclusion of such meeting.”.

(4) in section 203(b)(1) (42 U.S.C. 11313(b))—

(A) by striking “Federal” and inserting “national”;

(B) by striking “; and” and inserting “and pay for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made”;

(5) in section 205(d) (42 U.S.C. 11315(d)), by striking “property.” and inserting “property, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Council.”; and

(6) by striking section 208 (42 U.S.C. 11318) and inserting the following:

“SEC. 208. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this title \$3,000,000 for fiscal year 2010 and such sums as may be necessary for fiscal years 2011. Any amounts appropriated to carry out this title shall remain available until expended.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on, and shall apply beginning on, the date of the enactment of this division.

TITLE I—HOUSING ASSISTANCE GENERAL PROVISIONS

SEC. 1101. DEFINITIONS.

Subtitle A of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11361 et seq.) is amended—

(1) by striking the subtitle heading and inserting the following:

“Subtitle A—General Provisions”;

(2) by redesignating sections 401 and 402 (42 U.S.C. 11361, 11362) as sections 403 and 406, respectively; and

(3) by inserting before section 403 (as so redesignated by paragraph (2) of this section) the following new section:

“SEC. 401. DEFINITIONS.

“For purposes of this title:

“(1) **AT RISK OF HOMELESSNESS.**—The term ‘at risk of homelessness’ means, with respect to an individual or family, that the individual or family—

“(A) has income below 30 percent of median income for the geographic area;

“(B) has insufficient resources immediately available to attain housing stability; and

“(C)(i) has moved frequently because of economic reasons;

“(ii) is living in the home of another because of economic hardship;

“(iii) has been notified that their right to occupy their current housing or living situation will be terminated;

“(iv) lives in a hotel or motel;

“(v) lives in severely overcrowded housing;

“(vi) is exiting an institution; or

“(vii) otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness. Such term includes all families with children and youth defined as homeless under other Federal statutes.

“(2) **CHRONICALLY HOMELESS.**—

“(A) **IN GENERAL.**—The term ‘chronically homeless’ means, with respect to an individual or family, that the individual or family—

“(i) is homeless and lives or resides in a place not meant for human habitation, a safe haven, or in an emergency shelter;

“(ii) has been homeless and living or residing in a place not meant for human habitation, a safe haven, or in an emergency shelter continuously for at least 1 year or on at least 4 separate occasions in the last 3 years; and

“(iii) has an adult head of household (or a minor head of household if no adult is present in the household) with a diagnosable substance use disorder, serious mental illness, developmental disability (as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002)), post traumatic stress disorder, cognitive impairments resulting from a brain injury, or chronic physical illness or disability, including the co-occurrence of 2 or more of those conditions.

“(B) **RULE OF CONSTRUCTION.**—A person who currently lives or resides in an institutional care facility, including a jail, substance abuse or mental health treatment facility, hospital or other similar facility, and has resided there for fewer than 90 days shall be considered chronically homeless if such person met all of the requirements described in subparagraph (A) prior to entering that facility.

“(3) **COLLABORATIVE APPLICANT.**—The term ‘collaborative applicant’ means an entity that—

“(A) carries out the duties specified in section 402;

“(B) serves as the applicant for project sponsors who jointly submit a single application for a grant under subtitle C in accordance with a collaborative process; and

“(C) if the entity is a legal entity and is awarded such grant, receives such grant directly from the Secretary.

“(4) **COLLABORATIVE APPLICATION.**—The term ‘collaborative application’ means an

application for a grant under subtitle C that—

“(A) satisfies section 422; and

“(B) is submitted to the Secretary by a collaborative applicant.

“(5) **CONSOLIDATED PLAN.**—The term ‘Consolidated Plan’ means a comprehensive housing affordability strategy and community development plan required in part 91 of title 24, Code of Federal Regulations.

“(6) **ELIGIBLE ENTITY.**—The term ‘eligible entity’ means, with respect to a subtitle, a public entity, a private entity, or an entity that is a combination of public and private entities, that is eligible to directly receive grant amounts under such subtitle.

“(7) **FAMILIES WITH CHILDREN AND YOUTH DEFINED AS HOMELESS UNDER OTHER FEDERAL STATUTES.**—The term ‘families with children and youth defined as homeless under other Federal statutes’ means any children or youth that are defined as ‘homeless’ under any Federal statute other than this subtitle, but are not defined as homeless under section 103, and shall also include the parent, parents, or guardian of such children or youth under subtitle B of title VII this Act (42 U.S.C. 11431 et seq.).

“(8) **GEOGRAPHIC AREA.**—The term ‘geographic area’ means a State, metropolitan city, urban county, town, village, or other nonentitlement area, or a combination or consortia of such, in the United States, as described in section 106 of the Housing and Community Development Act of 1974 (42 U.S.C. 5306).

“(9) **HOMELESS INDIVIDUAL WITH A DISABILITY.**—

“(A) **IN GENERAL.**—The term ‘homeless individual with a disability’ means an individual who is homeless, as defined in section 103, and has a disability that—

“(i)(I) is expected to be long-continuing or of indefinite duration;

“(II) substantially impedes the individual’s ability to live independently;

“(III) could be improved by the provision of more suitable housing conditions; and

“(IV) is a physical, mental, or emotional impairment, including an impairment caused by alcohol or drug abuse, post traumatic stress disorder, or brain injury;

“(ii) is a developmental disability, as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002); or

“(iii) is the disease of acquired immunodeficiency syndrome or any condition arising from the etiologic agency for acquired immunodeficiency syndrome.

“(B) **RULE.**—Nothing in clause (iii) of subparagraph (A) shall be construed to limit eligibility under clause (i) or (ii) of subparagraph (A).

“(10) **LEGAL ENTITY.**—The term ‘legal entity’ means—

“(A) an entity described in section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)) and exempt from tax under section 501(a) of such Code;

“(B) an instrumentality of State or local government; or

“(C) a consortium of instrumentalities of State or local governments that has constituted itself as an entity.

“(11) **METROPOLITAN CITY; URBAN COUNTY; NONENTITLEMENT AREA.**—The terms ‘metropolitan city’, ‘urban county’, and ‘nonentitlement area’ have the meanings given such terms in section 102(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)).

“(12) **NEW.**—The term ‘new’ means, with respect to housing, that no assistance has been provided under this title for the housing.

“(13) **OPERATING COSTS.**—The term ‘operating costs’ means expenses incurred by a project sponsor operating transitional hous-

ing or permanent housing under this title with respect to—

“(A) the administration, maintenance, repair, and security of such housing;

“(B) utilities, fuel, furnishings, and equipment for such housing; or

“(C) coordination of services as needed to ensure long-term housing stability.

“(14) **OUTPATIENT HEALTH SERVICES.**—The term ‘outpatient health services’ means outpatient health care services, mental health services, and outpatient substance abuse services.

“(15) **PERMANENT HOUSING.**—The term ‘permanent housing’ means community-based housing without a designated length of stay, and includes both permanent supportive housing and permanent housing without supportive services.

“(16) **PERSONALLY IDENTIFYING INFORMATION.**—The term ‘personally identifying information’ means individually identifying information for or about an individual, including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking, including—

“(A) a first and last name;

“(B) a home or other physical address;

“(C) contact information (including a postal, e-mail or Internet protocol address, or telephone or facsimile number);

“(D) a social security number; and

“(E) any other information, including date of birth, racial or ethnic background, or religious affiliation, that, in combination with any other non-personally identifying information, would serve to identify any individual.

“(17) **PRIVATE NONPROFIT ORGANIZATION.**—The term ‘private nonprofit organization’ means an organization—

“(A) no part of the net earnings of which inures to the benefit of any member, founder, contributor, or individual;

“(B) that has a voluntary board;

“(C) that has an accounting system, or has designated a fiscal agent in accordance with requirements established by the Secretary; and

“(D) that practices nondiscrimination in the provision of assistance.

“(18) **PROJECT.**—The term ‘project’ means, with respect to activities carried out under subtitle C, eligible activities described in section 423(a), undertaken pursuant to a specific endeavor, such as serving a particular population or providing a particular resource.

“(19) **PROJECT-BASED.**—The term ‘project-based’ means, with respect to rental assistance, that the assistance is provided pursuant to a contract that—

“(A) is between—

“(i) the recipient or a project sponsor; and

“(ii) an owner of a structure that exists as of the date the contract is entered into; and

“(B) provides that rental assistance payments shall be made to the owner and that the units in the structure shall be occupied by eligible persons for not less than the term of the contract.

“(20) **PROJECT SPONSOR.**—The term ‘project sponsor’ means, with respect to proposed eligible activities, the organization directly responsible for carrying out the proposed eligible activities.

“(21) **RECIPIENT.**—Except as used in subtitle B, the term ‘recipient’ means an eligible entity who—

“(A) submits an application for a grant under section 422 that is approved by the Secretary;

“(B) receives the grant directly from the Secretary to support approved projects described in the application; and

“(C)(i) serves as a project sponsor for the projects; or

“(ii) awards the funds to project sponsors to carry out the projects.

“(22) SECRETARY.—The term ‘Secretary’ means the Secretary of Housing and Urban Development.

“(23) SERIOUS MENTAL ILLNESS.—The term ‘serious mental illness’ means a severe and persistent mental illness or emotional impairment that seriously limits a person’s ability to live independently.

“(24) SOLO APPLICANT.—The term ‘solo applicant’ means an entity that is an eligible entity, directly submits an application for a grant under subtitle C to the Secretary, and, if awarded such grant, receives such grant directly from the Secretary.

“(25) SPONSOR-BASED.—The term ‘sponsor-based’ means, with respect to rental assistance, that the assistance is provided pursuant to a contract that—

“(A) is between—

“(i) the recipient or a project sponsor; and

“(ii) an independent entity that—

“(I) is a private organization; and

“(II) owns or leases dwelling units; and

“(B) provides that rental assistance payments shall be made to the independent entity and that eligible persons shall occupy such assisted units.

“(26) STATE.—Except as used in subtitle B, the term ‘State’ means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

“(27) SUPPORTIVE SERVICES.—The term ‘supportive services’ means services that address the special needs of people served by a project, including—

“(A) the establishment and operation of a child care services program for families experiencing homelessness;

“(B) the establishment and operation of an employment assistance program, including providing job training;

“(C) the provision of outpatient health services, food, and case management;

“(D) the provision of assistance in obtaining permanent housing, employment counseling, and nutritional counseling;

“(E) the provision of outreach services, advocacy, life skills training, and housing search and counseling services;

“(F) the provision of mental health services, trauma counseling, and victim services;

“(G) the provision of assistance in obtaining other Federal, State, and local assistance available for residents of supportive housing (including mental health benefits, employment counseling, and medical assistance, but not including major medical equipment);

“(H) the provision of legal services for purposes including requesting reconsiderations and appeals of veterans and public benefit claim denials and resolving outstanding warrants that interfere with an individual’s ability to obtain and retain housing;

“(I) the provision of—

“(i) transportation services that facilitate an individual’s ability to obtain and maintain employment; and

“(ii) health care; and

“(J) other supportive services necessary to obtain and maintain housing.

“(28) TENANT-BASED.—The term ‘tenant-based’ means, with respect to rental assistance, assistance that—

“(A) allows an eligible person to select a housing unit in which such person will live using rental assistance provided under subtitle C, except that if necessary to assure that the provision of supportive services to a person participating in a program is feasible, a recipient or project sponsor may require that the person live—

“(i) in a particular structure or unit for not more than the first year of the participation;

“(ii) within a particular geographic area for the full period of the participation, or the period remaining after the period referred to in subparagraph (A); and

“(B) provides that a person may receive such assistance and move to another structure, unit, or geographic area if the person has complied with all other obligations of the program and has moved out of the assisted dwelling unit in order to protect the health or safety of an individual who is or has been the victim of domestic violence, dating violence, sexual assault, or stalking, and who reasonably believed he or she was imminently threatened by harm from further violence if he or she remained in the assisted dwelling unit.

“(29) TRANSITIONAL HOUSING.—The term ‘transitional housing’ means housing the purpose of which is to facilitate the movement of individuals and families experiencing homelessness to permanent housing within 24 months or such longer period as the Secretary determines necessary.

“(30) UNIFIED FUNDING AGENCY.—The term ‘unified funding agency’ means a collaborative applicant that performs the duties described in section 402(g).

“(31) UNDERSERVED POPULATIONS.—The term ‘underserved populations’ includes populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Secretary, as appropriate.

“(32) VICTIM SERVICE PROVIDER.—The term ‘victim service provider’ means a private nonprofit organization whose primary mission is to provide services to victims of domestic violence, dating violence, sexual assault, or stalking. Such term includes rape crisis centers, battered women’s shelters, domestic violence transitional housing programs, and other programs.

“(33) VICTIM SERVICES.—The term ‘victim services’ means services that assist domestic violence, dating violence, sexual assault, or stalking victims, including services offered by rape crisis centers and domestic violence shelters, and other organizations, with a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking.”

SEC. 1102. COMMUNITY HOMELESS ASSISTANCE PLANNING BOARDS.

Subtitle A of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11361 et seq.) is amended by inserting after section 401 (as added by section 1101(3) of this division) the following new section:

“SEC. 402. COLLABORATIVE APPLICANTS.

“(a) ESTABLISHMENT AND DESIGNATION.—A collaborative applicant shall be established for a geographic area by the relevant parties in that geographic area to—

“(1) submit an application for amounts under this subtitle; and

“(2) perform the duties specified in subsection (f) and, if applicable, subsection (g).

“(b) NO REQUIREMENT TO BE A LEGAL ENTITY.—An entity may be established to serve as a collaborative applicant under this section without being a legal entity.

“(c) REMEDIAL ACTION.—If the Secretary finds that a collaborative applicant for a geographic area does not meet the requirements of this section, or if there is no collaborative applicant for a geographic area, the Secretary may take remedial action to ensure fair distribution of grant amounts under subtitle C to eligible entities within that area. Such measures may include designating another body as a collaborative applicant, or permitting other eligible entities to apply directly for grants.

“(d) CONSTRUCTION.—Nothing in this section shall be construed to displace conflict of interest or government fair practices laws, or their equivalent, that govern applicants for grant amounts under subtitles B and C.

“(e) APPOINTMENT OF AGENT.—

“(1) IN GENERAL.—Subject to paragraph (2), a collaborative applicant may designate an agent to—

“(A) apply for a grant under section 422(c);

“(B) receive and distribute grant funds awarded under subtitle C; and

“(C) perform other administrative duties.

“(2) RETENTION OF DUTIES.—Any collaborative applicant that designates an agent pursuant to paragraph (1) shall regardless of such designation retain all of its duties and responsibilities under this title.

“(f) DUTIES.—A collaborative applicant shall—

“(1) design a collaborative process for the development of an application under subtitle C, and for evaluating the outcomes of projects for which funds are awarded under subtitle B, in such a manner as to provide information necessary for the Secretary—

“(A) to determine compliance with—

“(i) the program requirements under section 426; and

“(ii) the selection criteria described under section 427; and

“(B) to establish priorities for funding projects in the geographic area involved;

“(2) participate in the Consolidated Plan for the geographic area served by the collaborative applicant; and

“(3) ensure operation of, and consistent participation by, project sponsors in a community-wide homeless management information system (in this subsection referred to as ‘HMIS’) that—

“(A) collects unduplicated counts of individuals and families experiencing homelessness;

“(B) analyzes patterns of use of assistance provided under subtitles B and C for the geographic area involved;

“(C) provides information to project sponsors and applicants for needs analyses and funding priorities; and

“(D) is developed in accordance with standards established by the Secretary, including standards that provide for—

“(i) encryption of data collected for purposes of HMIS;

“(ii) documentation, including keeping an accurate accounting, proper usage, and disclosure, of HMIS data;

“(iii) access to HMIS data by staff, contractors, law enforcement, and academic researchers;

“(iv) rights of persons receiving services under this title;

“(v) criminal and civil penalties for unlawful disclosure of data; and

“(vi) such other standards as may be determined necessary by the Secretary.

“(g) UNIFIED FUNDING.—

“(1) IN GENERAL.—In addition to the duties described in subsection (f), a collaborative applicant shall receive from the Secretary and distribute to other project sponsors in the applicable geographic area funds for projects to be carried out by such other project sponsors, if—

“(A) the collaborative applicant—

“(i) applies to undertake such collection and distribution responsibilities in an application submitted under this subtitle; and

“(ii) is selected to perform such responsibilities by the Secretary; or

“(B) the Secretary designates the collaborative applicant as the unified funding agency in the geographic area, after—

“(i) a finding by the Secretary that the applicant—

“(I) has the capacity to perform such responsibilities; and

“(II) would serve the purposes of this Act as they apply to the geographic area; and

“(ii) the Secretary provides the collaborative applicant with the technical assistance necessary to perform such responsibilities as such assistance is agreed to by the collaborative applicant.

“(2) **REQUIRED ACTIONS BY A UNIFIED FUNDING AGENCY.**—A collaborative applicant that is either selected or designated as a unified funding agency for a geographic area under paragraph (1) shall—

“(A) require each project sponsor who is funded by a grant received under subtitle C to establish such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of, and accounting for, Federal funds awarded to the project sponsor under subtitle C in order to ensure that all financial transactions carried out under subtitle C are conducted, and records maintained, in accordance with generally accepted accounting principles; and

“(B) arrange for an annual survey, audit, or evaluation of the financial records of each project carried out by a project sponsor funded by a grant received under subtitle C.

“(h) **CONFLICT OF INTEREST.**—No board member of a collaborative applicant may participate in decisions of the collaborative applicant concerning the award of a grant, or provision of other financial benefits, to such member or the organization that such member represents.”.

SEC. 1103. GENERAL PROVISIONS.

Subtitle A of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11361 et seq.) is amended by inserting after section 403 (as so redesignated by section 1101(2) of this division) the following new sections:

“SEC. 404. PREVENTING INVOLUNTARY FAMILY SEPARATION.

“(a) **IN GENERAL.**—After the expiration of the 2-year period that begins upon the date of the enactment of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, and except as provided in subsection (b), any project sponsor receiving funds under this title to provide emergency shelter, transitional housing, or permanent housing to families with children under age 18 shall not deny admission to any family based on the age of any child under age 18.

“(b) **EXCEPTION.**—Notwithstanding the requirement under subsection (a), project sponsors of transitional housing receiving funds under this title may target transitional housing resources to families with children of a specific age only if the project sponsor—

“(1) operates a transitional housing program that has a primary purpose of implementing an evidence-based practice that requires that housing units be targeted to families with children in a specific age group; and

“(2) provides such assurances, as the Secretary shall require, that an equivalent appropriate alternative living arrangement for the whole family or household unit has been secured.

“SEC. 405. TECHNICAL ASSISTANCE.

“(a) **IN GENERAL.**—The Secretary shall make available technical assistance to private nonprofit organizations and other non-governmental entities, States, metropolitan cities, urban counties, and counties that are not urban counties, to implement effective planning processes for preventing and ending homelessness, to improve their capacity to prepare collaborative applications, to prevent the separation of families in emergency shelter or other housing programs, and to

adopt and provide best practices in housing and services for persons experiencing homelessness.

“(b) **RESERVATION.**—The Secretary shall reserve not more than 1 percent of the funds made available for any fiscal year for carrying out subtitles B and C, to provide technical assistance under subsection (a).”.

SEC. 1104. PROTECTION OF PERSONALLY IDENTIFYING INFORMATION BY VICTIM SERVICE PROVIDERS.

Subtitle A of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11361 et seq.), as amended by the preceding provisions of this title, is further amended by adding at the end the following new section:

“SEC. 407. PROTECTION OF PERSONALLY IDENTIFYING INFORMATION BY VICTIM SERVICE PROVIDERS.

“In the course of awarding grants or implementing programs under this title, the Secretary shall instruct any victim service provider that is a recipient or subgrantee not to disclose for purposes of the Homeless Management Information System any personally identifying information about any client. The Secretary may, after public notice and comment, require or ask such recipients and subgrantees to disclose for purposes of the Homeless Management Information System non-personally identifying information that has been de-identified, encrypted, or otherwise encoded. Nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this subsection for victims of domestic violence, dating violence, sexual assault, or stalking.”.

SEC. 1105. AUTHORIZATION OF APPROPRIATIONS.

Subtitle A of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11361 et seq.), as amended by the preceding provisions of this title, is further amended by adding at the end the following new section:

“SEC. 408. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this title \$2,200,000,000 for fiscal year 2010 and such sums as may be necessary for fiscal year 2011.”.

TITLE II—EMERGENCY SOLUTIONS GRANTS PROGRAM

SEC. 1201. GRANT ASSISTANCE.

Subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11371 et seq.) is amended—

(1) by striking the subtitle heading and inserting the following:

“Subtitle B—Emergency Solutions Grants Program”;

(2) by striking section 417 (42 U.S.C. 11377);

(3) by redesignating sections 413 through 416 (42 U.S.C. 11373–6) as sections 414 through 417, respectively; and

(4) by striking section 412 (42 U.S.C. 11372) and inserting the following:

“SEC. 412. GRANT ASSISTANCE.

“The Secretary shall make grants to States and local governments (and to private nonprofit organizations providing assistance to persons experiencing homelessness or at risk of homelessness, in the case of grants made with reallocated amounts) for the purpose of carrying out activities described in section 415.

“SEC. 413. AMOUNT AND ALLOCATION OF ASSISTANCE.

“(a) **IN GENERAL.**—Of the amount made available to carry out this subtitle and subtitle C for a fiscal year, the Secretary shall allocate nationally 20 percent of such amount for activities described in section 415. The Secretary shall be required to certify that such allocation will not adversely affect the renewal of existing projects under this subtitle and subtitle C for those individuals or families who are homeless.

“(b) **ALLOCATION.**—An entity that receives a grant under section 412, and serves an area that includes 1 or more geographic areas (or portions of such areas) served by collaborative applicants that submit applications under subtitle C, shall allocate the funds made available through the grant to carry out activities described in section 415, in consultation with the collaborative applicants.”; and

(5) in section 414(b) (42 U.S.C. 11373(b)), as so redesignated by paragraph (3) of this section, by striking “amounts appropriated” and all that follows through “for any” and inserting “amounts appropriated under section 408 and made available to carry out this subtitle for any”.

SEC. 1202. ELIGIBLE ACTIVITIES.

The McKinney-Vento Homeless Assistance Act is amended by striking section 415 (42 U.S.C. 11374), as so redesignated by section 1201(3) of this division, and inserting the following new section:

“SEC. 415. ELIGIBLE ACTIVITIES.

“(a) **IN GENERAL.**—Assistance provided under section 412 may be used for the following activities:

“(1) The renovation, major rehabilitation, or conversion of buildings to be used as emergency shelters.

“(2) The provision of essential services related to emergency shelter or street outreach, including services concerned with employment, health, education, family support services for homeless youth, substance abuse services, victim services, or mental health services, if—

“(A) such essential services have not been provided by the local government during any part of the immediately preceding 12-month period or the Secretary determines that the local government is in a severe financial deficit; or

“(B) the use of assistance under this subtitle would complement the provision of those essential services.

“(3) Maintenance, operation, insurance, provision of utilities, and provision of furnishings related to emergency shelter.

“(4) Provision of rental assistance to provide short-term or medium-term housing to homeless individuals or families or individuals or families at risk of homelessness. Such rental assistance may include tenant-based or project-based rental assistance.

“(5) Housing relocation or stabilization services for homeless individuals or families or individuals or families at risk of homelessness, including housing search, mediation or outreach to property owners, legal services, credit repair, providing security or utility deposits, utility payments, rental assistance for a final month at a location, assistance with moving costs, or other activities that are effective at—

“(A) stabilizing individuals and families in their current housing; or

“(B) quickly moving such individuals and families to other permanent housing.

“(b) **MAXIMUM ALLOCATION FOR EMERGENCY SHELTER ACTIVITIES.**—A grantee of assistance provided under section 412 for any fiscal year may not use an amount of such assistance for activities described in paragraphs (1) through (3) of subsection (a) that exceeds the greater of—

“(1) 60 percent of the aggregate amount of such assistance provided for the grantee for such fiscal year; or

“(2) the amount expended by such grantee for such activities during fiscal year most recently completed before the effective date under section 1503 of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009.”.

SEC. 1203. PARTICIPATION IN HOMELESS MANAGEMENT INFORMATION SYSTEM.

Section 416 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11375), as so redesignated by section 1201(3) of this division, is amended by adding at the end the following new subsection:

“(f) PARTICIPATION IN HMIS.—The Secretary shall ensure that recipients of funds under this subtitle ensure the consistent participation by emergency shelters and homelessness prevention and rehousing programs in any applicable community-wide homeless management information system.”.

SEC. 1204. ADMINISTRATIVE PROVISION.

Section 418 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11378) is amended by striking “5 percent” and inserting “7.5 percent”.

SEC. 1205. GAO STUDY OF ADMINISTRATIVE FEES.

Not later than the expiration of the 12-month period beginning on the date of the enactment of this division, the Comptroller General of the United States shall—

(1) conduct a study to examine the appropriate administrative costs for administering the program authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11371 et seq.); and

(2) submit to Congress a report on the findings of the study required under paragraph (1).

TITLE III—CONTINUUM OF CARE PROGRAM**SEC. 1301. CONTINUUM OF CARE.**

The McKinney-Vento Homeless Assistance Act is amended—

(1) by striking the subtitle heading for subtitle C of title IV (42 U.S.C. 11381 et seq.) and inserting the following:

“**Subtitle C—Continuum of Care Program**”; and

(2) by striking sections 421 and 422 (42 U.S.C. 11381 and 11382) and inserting the following new sections:

“SEC. 421. PURPOSES.

“The purposes of this subtitle are—

“(1) to promote community-wide commitment to the goal of ending homelessness;

“(2) to provide funding for efforts by nonprofit providers and State and local governments to quickly rehouse homeless individuals and families while minimizing the trauma and dislocation caused to individuals, families, and communities by homelessness;

“(3) to promote access to, and effective utilization of, mainstream programs described in section 203(a)(7) and programs funded with State or local resources; and

“(4) to optimize self-sufficiency among individuals and families experiencing homelessness.”.

“SEC. 422. CONTINUUM OF CARE APPLICATIONS AND GRANTS.

“(a) PROJECTS.—The Secretary shall award grants, on a competitive basis, and using the selection criteria described in section 427, to carry out eligible activities under this subtitle for projects that meet the program requirements under section 426, either by directly awarding funds to project sponsors or by awarding funds to unified funding agencies.

“(b) NOTIFICATION OF FUNDING AVAILABILITY.—The Secretary shall release a notification of funding availability for grants awarded under this subtitle for a fiscal year not later than 3 months after the date of the enactment of the appropriate Act making appropriations for the Department of Housing and Urban Development for such fiscal year.

“(c) APPLICATIONS.—

“(1) SUBMISSION TO THE SECRETARY.—To be eligible to receive a grant under subsection

(a), a project sponsor or unified funding agency in a geographic area shall submit an application to the Secretary at such time and in such manner as the Secretary may require, and containing such information as the Secretary determines necessary—

“(A) to determine compliance with the program requirements and selection criteria under this subtitle; and

“(B) to establish priorities for funding projects in the geographic area.

“(2) ANNOUNCEMENT OF AWARDS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall announce, within 5 months after the last date for the submission of applications described in this subsection for a fiscal year, the grants conditionally awarded under subsection (a) for that fiscal year.

“(B) TRANSITION.—For a period of up to 2 years beginning after the effective date under section 1503 of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, the Secretary shall announce, within 6 months after the last date for the submission of applications described in this subsection for a fiscal year, the grants conditionally awarded under subsection (a) for that fiscal year.

“(d) OBLIGATION, DISTRIBUTION, AND UTILIZATION OF FUNDS.—

“(1) REQUIREMENTS FOR OBLIGATION.—

“(A) IN GENERAL.—Not later than 9 months after the announcement referred to in subsection (c)(2), each recipient or project sponsor shall meet all requirements for the obligation of those funds, including site control, matching funds, and environmental review requirements, except as provided in subparagraphs (B) and (C).

“(B) ACQUISITION, REHABILITATION, OR CONSTRUCTION.—Not later than 24 months after the announcement referred to in subsection (c)(2), each recipient or project sponsor seeking the obligation of funds for acquisition of housing, rehabilitation of housing, or construction of new housing for a grant announced under subsection (c)(2) shall meet all requirements for the obligation of those funds, including site control, matching funds, and environmental review requirements.

“(C) EXTENSIONS.—At the discretion of the Secretary, and in compelling circumstances, the Secretary may extend the date by which a recipient or project sponsor shall meet the requirements described in subparagraphs (A) and (B) if the Secretary determines that compliance with the requirements was delayed due to factors beyond the reasonable control of the recipient or project sponsor. Such factors may include difficulties in obtaining site control for a proposed project, completing the process of obtaining secure financing for the project, obtaining approvals from State or local governments, or completing the technical submission requirements for the project.

“(2) OBLIGATION.—Not later than 45 days after a recipient or project sponsor meets the requirements described in paragraph (1), the Secretary shall obligate the funds for the grant involved.

“(3) DISTRIBUTION.—A recipient that receives funds through such a grant—

“(A) shall distribute the funds to project sponsors (in advance of expenditures by the project sponsors); and

“(B) shall distribute the appropriate portion of the funds to a project sponsor not later than 45 days after receiving a request for such distribution from the project sponsor.

“(4) EXPENDITURE OF FUNDS.—The Secretary may establish a date by which funds made available through a grant announced under subsection (c)(2) for a homeless assistance project shall be entirely expended by

the recipient or project sponsors involved. The date established under this paragraph shall not occur before the expiration of the 24-month period beginning on the date that funds are obligated for activities described under paragraphs (1) or (2) of section 423(a). The Secretary shall recapture the funds not expended by such date. The Secretary shall reallocate the funds for another homeless assistance and prevention project that meets the requirements of this subtitle to be carried out, if possible and appropriate, in the same geographic area as the area served through the original grant.

“(e) RENEWAL FUNDING FOR UNSUCCESSFUL APPLICANTS.—The Secretary may renew funding for a specific project previously funded under this subtitle that the Secretary determines meets the purposes of this subtitle, and was included as part of a total application that met the criteria of subsection (c), even if the application was not selected to receive grant assistance. The Secretary may renew the funding for a period of not more than 1 year, and under such conditions as the Secretary determines to be appropriate.

“(f) CONSIDERATIONS IN DETERMINING RENEWAL FUNDING.—When providing renewal funding for leasing, operating costs, or rental assistance for permanent housing, the Secretary shall make adjustments proportional to increases in the fair market rents in the geographic area.

“(g) MORE THAN 1 APPLICATION FOR A GEOGRAPHIC AREA.—If more than 1 collaborative applicant applies for funds for a geographic area, the Secretary shall award funds to the collaborative applicant with the highest score based on the selection criteria set forth in section 427.

“(h) APPEALS.—

“(1) IN GENERAL.—The Secretary shall establish a timely appeal procedure for grant amounts awarded or denied under this subtitle pursuant to a collaborative application or solo application for funding.

“(2) PROCESS.—The Secretary shall ensure that the procedure permits appeals submitted by entities carrying out homeless housing and services projects (including emergency shelters and homelessness prevention programs), and all other applicants under this subtitle.

“(i) SOLO APPLICANTS.—A solo applicant may submit an application to the Secretary for a grant under subsection (a) and be awarded such grant on the same basis as such grants are awarded to other applicants based on the criteria described in section 427, but only if the Secretary determines that the solo applicant has attempted to participate in the continuum of care process but was not permitted to participate in a reasonable manner. The Secretary may award such grants directly to such applicants in a manner determined to be appropriate by the Secretary.

“(j) FLEXIBILITY TO SERVE PERSONS DEFINED AS HOMELESS UNDER OTHER FEDERAL LAWS.—

“(1) IN GENERAL.—A collaborative applicant may use not more than 10 percent of funds awarded under this subtitle (continuum of care funding) for any of the types of eligible activities specified in paragraphs (1) through (7) of section 423(a) to serve families with children and youth defined as homeless under other Federal statutes, or homeless families with children and youth defined as homeless under section 103(a)(6), but only if the applicant demonstrates that the use of such funds is of an equal or greater priority or is equally or more cost effective in meeting the overall goals and objectives of the plan submitted under section 427(b)(1)(B), especially with respect to children and unaccompanied youth.

“(2) LIMITATIONS.—The 10 percent limitation under paragraph (1) shall not apply to collaborative applicants in which the rate of homelessness, as calculated in the most recent point in time count, is less than one-tenth of 1 percent of total population.

“(3) TREATMENT OF CERTAIN POPULATIONS.—

“(A) IN GENERAL.—Notwithstanding section 103(a) and subject to subparagraph (B), funds awarded under this subtitle may be used for eligible activities to serve unaccompanied youth and homeless families and children defined as homeless under section 103(a)(6) only pursuant to paragraph (1) of this subsection and such families and children shall not otherwise be considered as homeless for purposes of this subtitle.

“(B) AT RISK OF HOMELESSNESS.—Subparagraph (A) may not be construed to prevent any unaccompanied youth and homeless families and children defined as homeless under section 103(a)(6) from qualifying for, and being treated for purposes of this subtitle as, at risk of homelessness or from eligibility for any projects, activities, or services carried out using amounts provided under this subtitle for which individuals or families that are at risk of homelessness are eligible.”.

SEC. 1302. ELIGIBLE ACTIVITIES.

The McKinney-Vento Homeless Assistance Act is amended by striking section 423 (42 U.S.C. 11383) and inserting the following new section:

“SEC. 423. ELIGIBLE ACTIVITIES.

“(a) IN GENERAL.—Grants awarded under section 422 to qualified applicants shall be used to carry out projects that serve homeless individuals or families that consist of one or more of the following eligible activities:

“(1) Construction of new housing units to provide transitional or permanent housing.

“(2) Acquisition or rehabilitation of a structure to provide transitional or permanent housing, other than emergency shelter, or to provide supportive services.

“(3) Leasing of property, or portions of property, not owned by the recipient or project sponsor involved, for use in providing transitional or permanent housing, or providing supportive services.

“(4) Provision of rental assistance to provide transitional or permanent housing to eligible persons. The rental assistance may include tenant-based, project-based, or sponsor-based rental assistance. Project-based rental assistance, sponsor-based rental assistance, and operating cost assistance contracts carried out by project sponsors receiving grants under this section may, at the discretion of the applicant and the project sponsor, have an initial term of 15 years, with assistance for the first 5 years paid with funds authorized for appropriation under this Act, and assistance for the remainder of the term treated as a renewal of an expiring contract as provided in section 429. Project-based rental assistance may include rental assistance to preserve existing permanent supportive housing for homeless individuals and families.

“(5) Payment of operating costs for housing units assisted under this subtitle or for the preservation of housing that will serve homeless individuals and families and for which another form of assistance is expiring or otherwise no longer available.

“(6) Supportive services for individuals and families who are currently homeless, who have been homeless in the prior six months but are currently residing in permanent housing, or who were previously homeless and are currently residing in permanent supportive housing.

“(7) Provision of rehousing services, including housing search, mediation or out-

reach to property owners, credit repair, providing security or utility deposits, rental assistance for a final month at a location, assistance with moving costs, or other activities that—

“(A) are effective at moving homeless individuals and families immediately into housing; or

“(B) may benefit individuals and families who in the prior 6 months have been homeless, but are currently residing in permanent housing.

“(8) In the case of a collaborative applicant that is a legal entity, performance of the duties described under section 402(f)(3).

“(9) Operation of, participation in, and ensuring consistent participation by project sponsors in, a community-wide homeless management information system.

“(10) In the case of a collaborative applicant that is a legal entity, payment of administrative costs related to meeting the requirements described in paragraphs (1) and (2) of section 402(f), for which the collaborative applicant may use not more than 3 percent of the total funds made available in the geographic area under this subtitle for such costs.

“(11) In the case of a collaborative applicant that is a unified funding agency under section 402(g), payment of administrative costs related to meeting the requirements of that section, for which the unified funding agency may use not more than 3 percent of the total funds made available in the geographic area under this subtitle for such costs, in addition to funds used under paragraph (10).

“(12) Payment of administrative costs to project sponsors, for which each project sponsor may use not more than 10 percent of the total funds made available to that project sponsor through this subtitle for such costs.

“(b) MINIMUM GRANT TERMS.—The Secretary may impose minimum grant terms of up to 5 years for new projects providing permanent housing.

“(c) USE RESTRICTIONS.—

“(1) ACQUISITION, REHABILITATION, AND NEW CONSTRUCTION.—A project that consists of activities described in paragraph (1) or (2) of subsection (a) shall be operated for the purpose specified in the application submitted for the project under section 422 for not less than 15 years.

“(2) OTHER ACTIVITIES.—A project that consists of activities described in any of paragraphs (3) through (12) of subsection (a) shall be operated for the purpose specified in the application submitted for the project under section 422 for the duration of the grant period involved.

“(3) CONVERSION.—If the recipient or project sponsor carrying out a project that provides transitional or permanent housing submits a request to the Secretary to carry out instead a project for the direct benefit of low-income persons, and the Secretary determines that the initial project is no longer needed to provide transitional or permanent housing, the Secretary may approve the project described in the request and authorize the recipient or project sponsor to carry out that project.

“(d) REPAYMENT OF ASSISTANCE AND PREVENTION OF UNDUE BENEFITS.—

“(1) REPAYMENT.—If a recipient or project sponsor receives assistance under section 422 to carry out a project that consists of activities described in paragraph (1) or (2) of subsection (a) and the project ceases to provide transitional or permanent housing—

“(A) earlier than 10 years after operation of the project begins, the Secretary shall require the recipient or project sponsor to repay 100 percent of the assistance; or

“(B) not earlier than 10 years, but earlier than 15 years, after operation of the project begins, the Secretary shall require the recipient or project sponsor to repay 20 percent of the assistance for each of the years in the 15-year period for which the project fails to provide that housing.

“(2) PREVENTION OF UNDUE BENEFITS.—Except as provided in paragraph (3), if any property is used for a project that receives assistance under subsection (a) and consists of activities described in paragraph (1) or (2) of subsection (a), and the sale or other disposition of the property occurs before the expiration of the 15-year period beginning on the date that operation of the project begins, the recipient or project sponsor who received the assistance shall comply with such terms and conditions as the Secretary may prescribe to prevent the recipient or project sponsor from unduly benefitting from such sale or disposition.

“(3) EXCEPTION.—A recipient or project sponsor shall not be required to make the repayments, and comply with the terms and conditions, required under paragraph (1) or (2) if—

“(A) the sale or disposition of the property used for the project results in the use of the property for the direct benefit of very low-income persons;

“(B) all of the proceeds of the sale or disposition are used to provide transitional or permanent housing meeting the requirements of this subtitle;

“(C) project-based rental assistance or operating cost assistance from any Federal program or an equivalent State or local program is no longer made available and the project is meeting applicable performance standards, provided that the portion of the project that had benefitted from such assistance continues to meet the tenant income and rent restrictions for low-income units under section 42(g) of the Internal Revenue Code of 1986; or

“(D) there are no individuals and families in the geographic area who are homeless, in which case the project may serve individuals and families at risk of homelessness.

“(e) STAFF TRAINING.—The Secretary may allow reasonable costs associated with staff training to be included as part of the activities described in subsection (a).

“(f) ELIGIBILITY FOR PERMANENT HOUSING.—Any project that receives assistance under subsection (a) and that provides project-based or sponsor-based permanent housing for homeless individuals or families with a disability, including projects that meet the requirements of subsection (a) and subsection (d)(2)(A) of section 428 may also serve individuals who had previously met the requirements for such project prior to moving into a different permanent housing project.

“(g) ADMINISTRATION OF RENTAL ASSISTANCE.—Provision of permanent housing rental assistance shall be administered by a State, unit of general local government, or public housing agency.”.

SEC. 1303. HIGH PERFORMING COMMUNITIES.

The McKinney-Vento Homeless Assistance Act is amended by striking section 424 (42 U.S.C. 11384) and inserting the following:

“SEC. 424. INCENTIVES FOR HIGH-PERFORMING COMMUNITIES.

“(a) DESIGNATION AS A HIGH-PERFORMING COMMUNITY.—

“(1) IN GENERAL.—The Secretary shall designate, on an annual basis, which collaborative applicants represent high-performing communities.

“(2) CONSIDERATION.—In determining whether to designate a collaborative applicant as a high-performing community under paragraph (1), the Secretary shall establish criteria to ensure that the requirements described under paragraphs (1)(B) and (2)(B) of

subsection (d) are measured by comparing homeless individuals and families under similar circumstances, in order to encourage projects in the geographic area to serve homeless individuals and families with more severe barriers to housing stability.

“(3) 2-YEAR PHASE IN.—In each of the first 2 years after the effective date under section 1503 of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, the Secretary shall designate not more than 10 collaborative applicants as high-performing communities.

“(4) EXCESS OF QUALIFIED APPLICANTS.—If, during the 2-year period described under paragraph (2), more than 10 collaborative applicants could qualify to be designated as high-performing communities, the Secretary shall designate the 10 that have, in the discretion of the Secretary, the best performance based on the criteria described under subsection (d).

“(5) TIME LIMIT ON DESIGNATION.—The designation of any collaborative applicant as a high-performing community under this subsection shall be effective only for the year in which such designation is made. The Secretary, on an annual basis, may renew any such designation.

“(b) APPLICATION.—

“(1) IN GENERAL.—A collaborative applicant seeking designation as a high-performing community under subsection (a) shall submit an application to the Secretary at such time, and in such manner as the Secretary may require.

“(2) CONTENT OF APPLICATION.—In any application submitted under paragraph (1), a collaborative applicant shall include in such application—

“(A) a report showing how any money received under this subtitle in the preceding year was expended; and

“(B) information that such applicant can meet the requirements described under subsection (d).

“(3) PUBLICATION OF APPLICATION.—The Secretary shall—

“(A) publish any report or information submitted in an application under this section in the geographic area represented by the collaborative applicant; and

“(B) seek comments from the public as to whether the collaborative applicant seeking designation as a high-performing community meets the requirements described under subsection (d).

“(c) USE OF FUNDS.—Funds awarded under section 422(a) to a project sponsor who is located in a high-performing community may be used—

“(1) for any of the eligible activities described in section 423; or

“(2) for any of the eligible activities described in paragraphs (4) and (5) of section 415(a).

“(d) DEFINITION OF HIGH-PERFORMING COMMUNITY.—For purposes of this section, the term ‘high-performing community’ means a geographic area that demonstrates through reliable data that all five of the following requirements are met for that geographic area:

“(1) TERM OF HOMELESSNESS.—The mean length of episodes of homelessness for that geographic area—

“(A) is less than 20 days; or

“(B) for individuals and families in similar circumstances in the preceding year was at least 10 percent less than in the year before.

“(2) FAMILIES LEAVING HOMELESSNESS.—Of individuals and families—

“(A) who leave homelessness, fewer than 5 percent of such individuals and families become homeless again at any time within the next 2 years; or

“(B) in similar circumstances who leave homelessness, the percentage of such individuals and families who become homeless

again within the next 2 years has decreased by at least 20 percent from the preceding year.

“(3) COMMUNITY ACTION.—The communities that compose the geographic area have—

“(A) actively encouraged homeless individuals and families to participate in homeless assistance services available in that geographic area; and

“(B) included each homeless individual or family who sought homeless assistance services in the data system used by that community for determining compliance with this subsection.

“(4) EFFECTIVENESS OF PREVIOUS ACTIVITIES.—If recipients in the geographic area have used funding awarded under section 422(a) for eligible activities described under section 415(a) in previous years based on the authority granted under subsection (c), that such activities were effective at reducing the number of individuals and families who became homeless in that community.

“(5) FLEXIBILITY TO SERVE PERSONS DEFINED AS HOMELESS UNDER OTHER FEDERAL LAWS.—With respect to collaborative applicants exercising the authority under section 422(j) to serve homeless families with children and youth defined as homeless under other Federal statutes, effectiveness in achieving the goals and outcomes identified in subsection 427(b)(1)(F) according to such standards as the Secretary shall promulgate.

“(e) COOPERATION AMONG ENTITIES.—A collaborative applicant designated as a high-performing community under this section shall cooperate with the Secretary in distributing information about successful efforts within the geographic area represented by the collaborative applicant to reduce homelessness.”

SEC. 1304. PROGRAM REQUIREMENTS.

Section 426 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11386) is amended—

(1) by striking subsections (a), (b), and (c) and inserting the following:

“(a) SITE CONTROL.—The Secretary shall require that each application include reasonable assurances that the applicant will own or have control of a site for the proposed project not later than the expiration of the 12-month period beginning upon notification of an award for grant assistance, unless the application proposes providing supportive housing assistance under section 423(a)(3) or housing that will eventually be owned or controlled by the families and individuals served. An applicant may obtain ownership or control of a suitable site different from the site specified in the application. If any recipient or project sponsor fails to obtain ownership or control of the site within 12 months after notification of an award for grant assistance, the grant shall be recaptured and reallocated under this subtitle.

“(b) REQUIRED AGREEMENTS.—The Secretary may not provide assistance for a proposed project under this subtitle unless the collaborative applicant involved agrees—

“(1) to ensure the operation of the project in accordance with the provisions of this subtitle;

“(2) to monitor and report to the Secretary the progress of the project;

“(3) to ensure, to the maximum extent practicable, that individuals and families experiencing homelessness are involved, through employment, provision of volunteer services, or otherwise, in constructing, rehabilitating, maintaining, and operating facilities for the project and in providing supportive services for the project;

“(4) to require certification from all project sponsors that—

“(A) they will maintain the confidentiality of records pertaining to any individual or

family provided family violence prevention or treatment services through the project;

“(B) that the address or location of any family violence shelter project assisted under this subtitle will not be made public, except with written authorization of the person responsible for the operation of such project;

“(C) they will establish policies and practices that are consistent with, and do not restrict the exercise of rights provided by, subtitle B of title VII, and other laws relating to the provision of educational and related services to individuals and families experiencing homelessness;

“(D) in the case of programs that provide housing or services to families, they will designate a staff person to be responsible for ensuring that children being served in the program are enrolled in school and connected to appropriate services in the community, including early childhood programs such as Head Start, part C of the Individuals with Disabilities Education Act, and programs authorized under subtitle B of title VII of this Act (42 U.S.C. 11431 et seq.); and

“(E) they will provide data and reports as required by the Secretary pursuant to the Act;

“(5) if a collaborative applicant is a unified funding agency under section 402(g) and receives funds under subtitle C to carry out the payment of administrative costs described in section 423(a)(11), to establish such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of, and accounting for, such funds in order to ensure that all financial transactions carried out with such funds are conducted, and records maintained, in accordance with generally accepted accounting principles;

“(6) to monitor and report to the Secretary the provision of matching funds as required by section 430;

“(7) to take the educational needs of children into account when families are placed in emergency or transitional shelter and will, to the maximum extent practicable, place families with children as close as possible to their school of origin so as not to disrupt such children's education; and

“(8) to comply with such other terms and conditions as the Secretary may establish to carry out this subtitle in an effective and efficient manner.”

(2) by redesignating subsection (d) as subsection (c);

(3) in the first sentence of subsection (c) (as so redesignated by paragraph (2) of this subsection), by striking “recipient” and inserting “recipient or project sponsor”;

(4) by striking subsection (e);

(5) by redesignating subsections (f), (g), and (h), as subsections (d), (e), and (f), respectively;

(6) in the first sentence of subsection (e) (as so redesignated by paragraph (5) of this section), by striking “recipient” each place it appears and inserting “recipient or project sponsor”;

(7) by striking subsection (i); and

(8) by redesignating subsection (j) as subsection (g).

SEC. 1305. SELECTION CRITERIA, ALLOCATION AMOUNTS, AND FUNDING.

The McKinney-Vento Homeless Assistance Act is amended—

(1) by repealing section 429 (42 U.S.C. 11389); and

(2) by redesignating sections 427 and 428 (42 U.S.C. 11387, 11388) as sections 432 and 433, respectively; and

(3) by inserting after section 426 the following new sections:

“SEC. 427. SELECTION CRITERIA.

“(a) IN GENERAL.—The Secretary shall award funds to recipients through a national

competition between geographic areas based on criteria established by the Secretary.

“(b) REQUIRED CRITERIA.—

“(1) IN GENERAL.—The criteria established under subsection (a) shall include—

“(A) the previous performance of the recipient regarding homelessness, including performance related to funds provided under section 412 (except that recipients applying from geographic areas where no funds have been awarded under this subtitle, or under subtitles C, D, E, or F of title IV of this Act, as in effect prior to the date of the enactment of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, shall receive full credit for performance under this subparagraph), measured by criteria that shall be announced by the Secretary, that shall take into account barriers faced by individual homeless people, and that shall include—

“(i) the length of time individuals and families remain homeless;

“(ii) the extent to which individuals and families who leave homelessness experience additional spells of homelessness;

“(iii) the thoroughness of grantees in the geographic area in reaching homeless individuals and families;

“(iv) overall reduction in the number of homeless individuals and families;

“(v) jobs and income growth for homeless individuals and families;

“(vi) success at reducing the number of individuals and families who become homeless;

“(vii) other accomplishments by the recipient related to reducing homelessness; and

“(viii) for collaborative applicants that have exercised the authority under section 422(j) to serve families with children and youth defined as homeless under other Federal statutes, success in achieving the goals and outcomes identified in section 427(b)(1)(F);

“(B) the plan of the recipient, which shall describe—

“(i) how the number of individuals and families who become homeless will be reduced in the community;

“(ii) how the length of time that individuals and families remain homeless will be reduced;

“(iii) how the recipient will collaborate with local education authorities to assist in the identification of individuals and families who become or remain homeless and are informed of their eligibility for services under subtitle B of title VII of this Act (42 U.S.C. 11431 et seq.);

“(iv) the extent to which the recipient will—

“(I) address the needs of all relevant subpopulations;

“(II) incorporate comprehensive strategies for reducing homelessness, including the interventions referred to in section 428(d);

“(III) set quantifiable performance measures;

“(IV) set timelines for completion of specific tasks;

“(V) identify specific funding sources for planned activities; and

“(VI) identify an individual or body responsible for overseeing implementation of specific strategies; and

“(v) whether the recipient proposes to exercise authority to use funds under section 422(j), and if so, how the recipient will achieve the goals and outcomes identified in section 427(b)(1)(F);

“(C) the methodology of the recipient used to determine the priority for funding local projects under section 422(c)(1), including the extent to which the priority-setting process—

“(i) uses periodically collected information and analysis to determine the extent to which each project has resulted in rapid re-

turn to permanent housing for those served by the project, taking into account the severity of barriers faced by the people the project serves;

“(ii) considers the full range of opinions from individuals or entities with knowledge of homelessness in the geographic area or an interest in preventing or ending homelessness in the geographic area;

“(iii) is based on objective criteria that have been publicly announced by the recipient; and

“(iv) is open to proposals from entities that have not previously received funds under this subtitle;

“(D) the extent to which the amount of assistance to be provided under this subtitle to the recipient will be supplemented with resources from other public and private sources, including mainstream programs identified by the Government Accountability Office in the two reports described in section 203(a)(7);

“(E) demonstrated coordination by the recipient with the other Federal, State, local, private, and other entities serving individuals and families experiencing homelessness and at risk of homelessness in the planning and operation of projects;

“(F) for collaborative applicants exercising the authority under section 422(j) to serve homeless families with children and youth defined as homeless under other Federal statutes, program goals and outcomes, which shall include—

“(i) preventing homelessness among the subset of such families with children and youth who are at highest risk of becoming homeless, as such term is defined for purposes of this title; or

“(ii) achieving independent living in permanent housing among such families with children and youth, especially those who have a history of doubled-up and other temporary housing situations or are living in a temporary housing situation due to lack of available and appropriate emergency shelter, through the provision of eligible assistance that directly contributes to achieving such results including assistance to address chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse, or multiple barriers to employment; and

“(G) such other factors as the Secretary determines to be appropriate to carry out this subtitle in an effective and efficient manner.

“(2) ADDITIONAL CRITERIA.—In addition to the criteria required under paragraph (1), the criteria established under paragraph (1) shall also include the need within the geographic area for homeless services, determined as follows and under the following conditions:

“(A) NOTICE.—The Secretary shall inform each collaborative applicant, at a time concurrent with the release of the notice of funding availability for the grants, of the pro rata estimated grant amount under this subtitle for the geographic area represented by the collaborative applicant.

“(B) AMOUNT.—

“(i) FORMULA.—Such estimated grant amounts shall be determined by a formula, which shall be developed by the Secretary, by regulation, not later than the expiration of the 2-year period beginning upon the date of the enactment of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, that is based upon factors that are appropriate to allocate funds to meet the goals and objectives of this subtitle.

“(ii) COMBINATIONS OR CONSORTIA.—For a collaborative applicant that represents a combination or consortium of cities or counties, the estimated need amount shall be the sum of the estimated need amounts for the

cities or counties represented by the collaborative applicant.

“(iii) AUTHORITY OF SECRETARY.—Subject to the availability of appropriations, the Secretary shall increase the estimated need amount for a geographic area if necessary to provide 1 year of renewal funding for all expiring contracts entered into under this subtitle for the geographic area.

“(3) HOMELESSNESS COUNTS.—The Secretary shall not require that communities conduct an actual count of homeless people other than those described in paragraphs (1) through (4) of section 103(a) of this Act (42 U.S.C. 11302(a)).

“(c) ADJUSTMENTS.—The Secretary may adjust the formula described in subsection (b)(2) as necessary—

“(1) to ensure that each collaborative applicant has sufficient funding to renew all qualified projects for at least one year; and

“(2) to ensure that collaborative applicants are not discouraged from replacing renewal projects with new projects that the collaborative applicant determines will better be able to meet the purposes of this Act.

“SEC. 428. ALLOCATION OF AMOUNTS AND INCENTIVES FOR SPECIFIC ELIGIBLE ACTIVITIES.

“(a) MINIMUM ALLOCATION FOR PERMANENT HOUSING FOR HOMELESS INDIVIDUALS AND FAMILIES WITH DISABILITIES.—

“(1) IN GENERAL.—From the amounts made available to carry out this subtitle for a fiscal year, a portion equal to not less than 30 percent of the sums made available to carry out subtitle B and this subtitle, shall be used for permanent housing for homeless individuals with disabilities and homeless families that include such an individual who is an adult or a minor head of household if no adult is present in the household.

“(2) CALCULATION.—In calculating the portion of the amount described in paragraph (1) that is used for activities that are described in paragraph (1), the Secretary shall not count funds made available to renew contracts for existing projects under section 429.

“(3) ADJUSTMENT.—The 30 percent figure in paragraph (1) shall be reduced proportionately based on need under section 427(b)(2) in geographic areas for which subsection (e) applies in regard to subsection (d)(2)(A).

“(4) SUSPENSION.—The requirement established in paragraph (1) shall be suspended for any year in which funding available for grants under this subtitle after making the allocation established in paragraph (1) would not be sufficient to renew for 1 year all existing grants that would otherwise be fully funded under this subtitle.

“(5) TERMINATION.—The requirement established in paragraph (1) shall terminate upon a finding by the Secretary that since the beginning of 2001 at least 150,000 new units of permanent housing for homeless individuals and families with disabilities have been funded under this subtitle.

“(b) SET-ASIDE FOR PERMANENT HOUSING FOR HOMELESS FAMILIES WITH CHILDREN.—From the amounts made available to carry out this subtitle for a fiscal year, a portion equal to not less than 10 percent of the sums made available to carry out subtitle B and this subtitle for that fiscal year shall be used to provide or secure permanent housing for homeless families with children.

“(c) TREATMENT OF AMOUNTS FOR PERMANENT OR TRANSITIONAL HOUSING.—Nothing in this Act may be construed to establish a limit on the amount of funding that an applicant may request under this subtitle for acquisition, construction, or rehabilitation activities for the development of permanent housing or transitional housing.

“(d) INCENTIVES FOR PROVEN STRATEGIES.—

“(1) IN GENERAL.—The Secretary shall provide bonuses or other incentives to geographic areas for using funding under this

subtitle for activities that have been proven to be effective at reducing homelessness generally, reducing homelessness for a specific subpopulation, or achieving homeless prevention and independent living goals as set forth in section 427(b)(1)(F).

“(2) **RULE OF CONSTRUCTION.**—For purposes of this subsection, activities that have been proven to be effective at reducing homelessness generally or reducing homelessness for a specific subpopulation includes—

“(A) permanent supportive housing for chronically homeless individuals and families;

“(B) for homeless families, rapid rehousing services, short-term flexible subsidies to overcome barriers to rehousing, support services concentrating on improving incomes to pay rent, coupled with performance measures emphasizing rapid and permanent rehousing and with leveraging funding from mainstream family service systems such as Temporary Assistance for Needy Families and Child Welfare services; and

“(C) any other activity determined by the Secretary, based on research and after notice and comment to the public, to have been proven effective at reducing homelessness generally, reducing homelessness for a specific subpopulation, or achieving homeless prevention and independent living goals as set forth in section 427(b)(1)(F).

“(3) **BALANCE OF INCENTIVES FOR PROVEN STRATEGIES.**—To the extent practicable, in providing bonuses or incentives for proven strategies, the Secretary shall seek to maintain a balance among strategies targeting homeless individuals, families, and other subpopulations. The Secretary shall not implement bonuses or incentives that specifically discourage collaborative applicants from exercising their flexibility to serve families with children and youth defined as homeless under other Federal statutes.

“(e) **INCENTIVES FOR SUCCESSFUL IMPLEMENTATION OF PROVEN STRATEGIES.**—If any geographic area demonstrates that it has fully implemented any of the activities described in subsection (d) for all homeless individuals and families or for all members of subpopulations for whom such activities are targeted, that geographic area shall receive the bonus or incentive provided under subsection (d), but may use such bonus or incentive for any eligible activity under either section 423 or paragraphs (4) and (5) of section 415(a) for homeless people generally or for the relevant subpopulation.

“SEC. 429. RENEWAL FUNDING AND TERMS OF ASSISTANCE FOR PERMANENT HOUSING.

“(a) **IN GENERAL.**—Renewal of expiring contracts for leasing, rental assistance, or operating costs for permanent housing contracts may be funded either—

“(1) under the appropriations account for this title; or

“(2) the section 8 project-based rental assistance account.

“(b) **RENEWALS.**—The sums made available under subsection (a) shall be available for the renewal of contracts in the case of tenant-based assistance, successive 1-year terms, and in the case of project-based assistance, successive terms of up to 15 years at the discretion of the applicant or project sponsor and subject to the availability of annual appropriations, for rental assistance and housing operation costs associated with permanent housing projects funded under this subtitle, or under subtitle C or F (as in effect on the day before the effective date of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009). The Secretary shall determine whether to renew a contract for such a permanent housing project on the basis of certification by the collaborative applicant for the geographic area that—

“(1) there is a demonstrated need for the project; and

“(2) the project complies with program requirements and appropriate standards of housing quality and habitability, as determined by the Secretary.

“(c) **CONSTRUCTION.**—Nothing in this section shall be construed as prohibiting the Secretary from renewing contracts under this subtitle in accordance with criteria set forth in a provision of this subtitle other than this section.

“SEC. 430. MATCHING FUNDING.

“(a) **IN GENERAL.**—A collaborative applicant in a geographic area in which funds are awarded under this subtitle shall specify contributions from any source other than a grant awarded under this subtitle, including renewal funding of projects assisted under subtitles C, D, and F of this title as in effect before the effective date under section 1503 of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, that shall be made available in the geographic area in an amount equal to not less than 25 percent of the funds provided to recipients in the geographic area, except that grants for leasing shall not be subject to any match requirement.

“(b) **LIMITATIONS ON IN-KIND MATCH.**—The cash value of services provided to the residents or clients of a project sponsor by an entity other than the project sponsor may count toward the contributions in subsection (a) only when documented by a memorandum of understanding between the project sponsor and the other entity that such services will be provided.

“(c) **COUNTABLE ACTIVITIES.**—The contributions required under subsection (a) may consist of—

“(1) funding for any eligible activity described under section 423; and

“(2) subject to subsection (b), in-kind provision of services of any eligible activity described under section 423.

“SEC. 431. APPEAL PROCEDURE.

“(a) **IN GENERAL.**—With respect to funding under this subtitle, if certification of consistency with the consolidated plan pursuant to section 403 is withheld from an applicant who has submitted an application for that certification, such applicant may appeal such decision to the Secretary.

“(b) **PROCEDURE.**—The Secretary shall establish a procedure to process the appeals described in subsection (a).

“(c) **DETERMINATION.**—Not later than 45 days after the date of receipt of an appeal described in subsection (a), the Secretary shall determine if certification was unreasonably withheld. If such certification was unreasonably withheld, the Secretary shall review such application and determine if such applicant shall receive funding under this subtitle.”.

SEC. 1306. RESEARCH.

There is authorized to be appropriated \$8,000,000, for each of fiscal years 2010 and 2011, for research into the efficacy of interventions for homeless families, to be expended by the Secretary of Housing and Urban Development over the 2 years at 3 different sites to provide services for homeless families and evaluate the effectiveness of such services.

TITLE IV—RURAL HOUSING STABILITY ASSISTANCE PROGRAM

SEC. 1401. RURAL HOUSING STABILITY ASSISTANCE.

Subtitle G of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11408 et seq.) is amended—

(1) by striking the subtitle heading and inserting the following:

“Subtitle G—Rural Housing Stability Assistance Program”; and

(2) in section 491—

(A) by striking the section heading and inserting **“RURAL HOUSING STABILITY GRANT PROGRAM.”;**

(B) in subsection (a)—

(i) by striking “rural homelessness grant program” and inserting “rural housing stability grant program”;

(ii) by inserting “in lieu of grants under subtitle C” after “eligible organizations”; and

(iii) by striking paragraphs (1), (2), and (3), and inserting the following:

“(1) rehousing or improving the housing situations of individuals and families who are homeless or in the worst housing situations in the geographic area;

“(2) stabilizing the housing of individuals and families who are in imminent danger of losing housing; and

“(3) improving the ability of the lowest-income residents of the community to afford stable housing.”;

(C) in subsection (b)(1)—

(i) by redesignating subparagraphs (E), (F), and (G) as subparagraphs (I), (J), and (K), respectively; and

(ii) by striking subparagraph (D) and inserting the following:

“(D) construction of new housing units to provide transitional or permanent housing to homeless individuals and families and individuals and families at risk of homelessness;

“(E) acquisition or rehabilitation of a structure to provide supportive services or to provide transitional or permanent housing, other than emergency shelter, to homeless individuals and families and individuals and families at risk of homelessness;

“(F) leasing of property, or portions of property, not owned by the recipient or project sponsor involved, for use in providing transitional or permanent housing to homeless individuals and families and individuals and families at risk of homelessness, or providing supportive services to such homeless and at-risk individuals and families;

“(G) provision of rental assistance to provide transitional or permanent housing to homeless individuals and families and individuals and families at risk of homelessness, such rental assistance may include tenant-based or project-based rental assistance;

“(H) payment of operating costs for housing units assisted under this title.”;

(D) in subsection (b)(2), by striking “appropriated” and inserting “transferred”;

(E) in subsection (c)—

(i) in paragraph (1)(A), by striking “appropriated” and inserting “transferred”; and

(ii) in paragraph (3), by striking “appropriated” and inserting “transferred”;

(F) in subsection (d)—

(i) in paragraph (5), by striking “; and” and inserting a semicolon;

(ii) in paragraph (6)—

(I) by striking “an agreement” and all that follows through “families” and inserting the following: “a description of how individuals and families who are homeless or who have the lowest incomes in the community will be involved by the organization”; and

(II) by striking the period at the end, and inserting a semicolon; and

(iii) by adding at the end the following:

“(7) a description of consultations that took place within the community to ascertain the most important uses for funding under this section, including the involvement of potential beneficiaries of the project; and

“(8) a description of the extent and nature of homelessness and of the worst housing situations in the community.”;

(G) by striking subsections (f) and (g) and inserting the following:

“(f) **MATCHING FUNDING.**—

“(1) **IN GENERAL.**—An organization eligible to receive a grant under subsection (a) shall

specify matching contributions from any source other than a grant awarded under this subtitle, that shall be made available in the geographic area in an amount equal to not less than 25 percent of the funds provided for the project or activity, except that grants for leasing shall not be subject to any match requirement.

“(2) LIMITATIONS ON IN-KIND MATCH.—The cash value of services provided to the beneficiaries or clients of an eligible organization by an entity other than the organization may count toward the contributions in paragraph (1) only when documented by a memorandum of understanding between the organization and the other entity that such services will be provided.

“(3) COUNTABLE ACTIVITIES.—The contributions required under paragraph (1) may consist of—

“(A) funding for any eligible activity described under subsection (b); and

“(B) subject to paragraph (2), in-kind provision of services of any eligible activity described under subsection (b).

“(g) SELECTION CRITERIA.—The Secretary shall establish criteria for selecting recipients of grants under subsection (a), including—

“(1) the participation of potential beneficiaries of the project in assessing the need for, and importance of, the project in the community;

“(2) the degree to which the project addresses the most harmful housing situations present in the community;

“(3) the degree of collaboration with others in the community to meet the goals described in subsection (a);

“(4) the performance of the organization in improving housing situations, taking account of the severity of barriers of individuals and families served by the organization;

“(5) for organizations that have previously received funding under this section, the extent of improvement in homelessness and the worst housing situations in the community since such funding began;

“(6) the need for such funds, as determined by the formula established under section 427(b)(2); and

“(7) any other relevant criteria as determined by the Secretary.”;

(H) in subsection (h)—

(i) in paragraph (1), in the matter preceding subparagraph (A), by striking “The” and inserting “Not later than 18 months after funding is first made available pursuant to the amendments made by title IV of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, the”;

(ii) in paragraph (1)(A), by striking “providing housing and other assistance to homeless persons” and inserting “meeting the goals described in subsection (a)”;

(iii) in paragraph (1)(B), by striking “address homelessness in rural areas” and inserting “meet the goals described in subsection (a) in rural areas”; and

(iv) in paragraph (2)—

(I) by striking “The” and inserting “Not later than 24 months after funding is first made available pursuant to the amendment made by title IV of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, the”;

(II) by striking “, not later than 18 months after the date on which the Secretary first makes grants under the program,”; and

(III) by striking “prevent and respond to homelessness” and inserting “meet the goals described in subsection (a)”;

(I) in subsection (k)—

(i) in paragraph (1), by striking “rural homelessness grant program” and inserting “rural housing stability grant program”; and

(ii) in paragraph (2)—

(I) in subparagraph (A), by striking “; or” and inserting a semicolon;

(II) in subparagraph (B)(ii), by striking “rural census tract.” and inserting “county where at least 75 percent of the population is rural; or”; and

(III) by adding at the end the following:

“(C) any area or community, respectively, located in a State that has population density of less than 30 persons per square mile (as reported in the most recent decennial census), and of which at least 1.25 percent of the total acreage of such State is under Federal jurisdiction, provided that no metropolitan city (as such term is defined in section 102 of the Housing and Community Development Act of 1974) in such State is the sole beneficiary of the grant amounts awarded under this section.”;

(J) in subsection (1)—

(i) by striking the subsection heading and inserting “PROGRAM FUNDING.—”; and

(ii) by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—The Secretary shall determine the total amount of funding attributable under section 427(b)(2) to meet the needs of any geographic area in the Nation that applies for funding under this section. The Secretary shall transfer any amounts determined under this subsection from the Community Homeless Assistance Program and consolidate such transferred amounts for grants under this section, except that the Secretary shall transfer an amount not less than 5 percent of the amount available under subtitle C for grants under this section. Any amounts so transferred and not used for grants under this section due to an insufficient number of applications shall be transferred to be used for grants under subtitle C.”; and

(K) by adding at the end the following:

“(m) DETERMINATION OF FUNDING SOURCE.—For any fiscal year, in addition to funds awarded under subtitle B, funds under this title to be used in a city or county shall only be awarded under either subtitle C or subtitle D.”.

SEC. 1402. GAO STUDY OF HOMELESSNESS AND HOMELESS ASSISTANCE IN RURAL AREAS.

(a) STUDY AND REPORT.—Not later than the expiration of the 12-month period beginning on the date of the enactment of this division, the Comptroller General of the United States shall conduct a study to examine homelessness and homeless assistance in rural areas and rural communities and submit a report to the Congress on the findings and conclusion of the study. The report shall contain the following matters:

(1) A general description of homelessness, including the range of living situations among homeless individuals and homeless families, in rural areas and rural communities of the United States, including tribal lands and colonias.

(2) An estimate of the incidence and prevalence of homelessness among individuals and families in rural areas and rural communities of the United States.

(3) An estimate of the number of individuals and families from rural areas and rural communities who migrate annually to non-rural areas and non-rural communities for homeless assistance.

(4) A description of barriers that individuals and families in and from rural areas and rural communities encounter when seeking to access homeless assistance programs, and recommendations for removing such barriers.

(5) A comparison of the rate of homelessness among individuals and families in and from rural areas and rural communities compared to the rate of homelessness among in-

dividuals and families in and from non-rural areas and non-rural communities.

(6) A general description of homeless assistance for individuals and families in rural areas and rural communities of the United States.

(7) A description of barriers that homeless assistance providers serving rural areas and rural communities encounter when seeking to access Federal homeless assistance programs, and recommendations for removing such barriers.

(8) An assessment of the type and amount of Federal homeless assistance funds awarded to organizations serving rural areas and rural communities and a determination as to whether such amount is proportional to the distribution of homeless individuals and families in and from rural areas and rural communities compared to homeless individuals and families in non-rural areas and non-rural communities.

(9) An assessment of the current roles of the Department of Housing and Urban Development, the Department of Agriculture, and other Federal departments and agencies in administering homeless assistance programs in rural areas and rural communities and recommendations for distributing Federal responsibilities, including homeless assistance program administration and grantmaking, among the departments and agencies so that service organizations in rural areas and rural communities are most effectively reached and supported.

(b) ACQUISITION OF SUPPORTING INFORMATION.—In carrying out the study under this section, the Comptroller General shall seek to obtain views from the following persons:

(1) The Secretary of Agriculture.

(2) The Secretary of Housing and Urban Development.

(3) The Secretary of Health and Human Services.

(4) The Secretary of Education.

(5) The Secretary of Labor.

(6) The Secretary of Veterans Affairs.

(7) The Executive Director of the United States Interagency Council on Homelessness.

(8) Project sponsors and recipients of homeless assistance grants serving rural areas and rural communities.

(9) Individuals and families in or from rural areas and rural communities who have sought or are seeking Federal homeless assistance services.

(10) National advocacy organizations concerned with homelessness, rural housing, and rural community development.

(c) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this division

TITLE V—REPEALS AND CONFORMING AMENDMENTS

SEC. 1501. REPEALS.

Subtitles D, E, and F of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11391 et seq., 11401 et seq., and 11403 et seq.) are hereby repealed.

SEC. 1502. CONFORMING AMENDMENTS.

(a) CONSOLIDATED PLAN.—Section 403(1) of the McKinney-Vento Homeless Assistance Act (as so redesignated by section 1101(2) of this division), is amended—

(1) by striking “current housing affordability strategy” and inserting “consolidated plan”; and

(2) by inserting before the comma the following: “(referred to in such section as a ‘comprehensive housing affordability strategy’)”.

(b) PERSONS EXPERIENCING HOMELESSNESS.—Section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302), as amended by the preceding provisions of this division, is further amended by adding at the end the following new subsection:

“(e) PERSONS EXPERIENCING HOMELESSNESS.—Any references in this Act to homeless individuals (including homeless persons) or homeless groups (including homeless persons) shall be considered to include, and to refer to, individuals experiencing homelessness or groups experiencing homelessness, respectively.”.

(c) RURAL HOUSING STABILITY ASSISTANCE.—Title IV of the McKinney-Vento Homeless Assistance Act is amended by redesignating subtitle G (42 U.S.C. 11408 et seq.), as amended by the preceding provisions of this division, as subtitle D.

SEC. 1503. EFFECTIVE DATE.

Except as specifically provided otherwise in this division, this division and the amendments made by this division shall take effect on, and shall apply beginning on—

(1) the expiration of the 18-month period beginning on the date of the enactment of this division, or

(2) the expiration of the 3-month period beginning upon publication by the Secretary of Housing and Urban Development of final regulations pursuant to section 1504, whichever occurs first.

SEC. 1504. REGULATIONS.

(a) IN GENERAL.—Not later than 12 months after the date of the enactment of this division, the Secretary of Housing and Urban Development shall promulgate regulations governing the operation of the programs that are created or modified by this division.

(b) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this division.

SEC. 1505. AMENDMENT TO TABLE OF CONTENTS.

The table of contents in section 101(b) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 note) is amended by striking the item relating to the heading for title IV and all that follows through the item relating to section 492 and inserting the following new items:

“TITLE IV—HOUSING ASSISTANCE

“Subtitle A—General Provisions

- “Sec. 401. Definitions.
- “Sec. 402. Collaborative applicants.
- “Sec. 403. Housing affordability strategy.
- “Sec. 404. Preventing involuntary family separation
- “Sec. 405. Technical assistance.
- “Sec. 406. Discharge coordination policy.
- “Sec. 407. Protection of personally identifying information by victim service providers.
- “Sec. 408. Authorization of appropriations.
- “Subtitle B—Emergency Solutions Grants Program
- “Sec. 411. Definitions.
- “Sec. 412. Grant assistance.
- “Sec. 413. Amount and allocation of assistance.
- “Sec. 414. Allocation and distribution of assistance.
- “Sec. 415. Eligible activities.
- “Sec. 416. Responsibilities of recipients.
- “Sec. 417. Administrative provisions.
- “Sec. 418. Administrative costs.

“Subtitle C—Continuum of Care Program

- “Sec. 421. Purposes.
- “Sec. 422. Continuum of care applications and grants.
- “Sec. 423. Eligible activities.
- “Sec. 424. Incentives for high-performing communities.
- “Sec. 425. Supportive services.
- “Sec. 426. Program requirements.
- “Sec. 427. Selection criteria.
- “Sec. 428. Allocation of amounts and incentives for specific eligible activities.
- “Sec. 429. Renewal funding and terms of assistance for permanent housing.

“Sec. 430. Matching funding.

“Sec. 431. Appeal procedure.

“Sec. 432. Regulations.

“Sec. 433. Reports to Congress.

“Subtitle D—Rural Housing Stability Assistance Program

“Sec. 491. Rural housing stability assistance.

“Sec. 492. Use of FHMA inventory for transitional housing for homeless persons and for turnkey housing.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. FRANK) and the gentlewoman from West Virginia (Mrs. CAPITO) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, this is our sending back to the Senate a version of a bill which we passed earlier this year. They then passed the bill in a form very close to ours, but in a couple of areas where we felt it important to insist on our original position and also to include some things that came up in the interim from the administration.

It has several purposes. One, it enhances the ability of the executive branch to reduce the number of foreclosures. Last year Congress passed the HOPE for Homeowners program, which we hoped was going to reduce foreclosures. We didn't get it right. We had a good general idea, but it was passed in a form that was not very usable.

We have learned from the experience, and we have a version here that we think is going to work much better. It includes, for instance, at the request of HUD, a provision that will allow them to deal with the problem of second mortgages, which has been an interference in our ability to get foreclosures. It also includes, as it did originally, a very good version of the safe harbor for services. That was a bipartisan idea of the gentleman from Pennsylvania (Mr. KANJORSKI) and the gentleman from Delaware (Mr. CASTLE) to encourage those who are in charge of the mortgage process to act when it makes more sense to write down the mortgage and avoid foreclosure. It gives them the legal ability to do that and withstand frivolous lawsuits.

It also has some provisions in here that are very important to those smaller financial institutions that are the lifeblood of our communities and which have been unfairly tarnished in this most recent debate over financial institutions.

Community banks and the Independent Community Bankers of America have a letter here, which I will put into the RECORD, which supports this bill.

Community banks were facing a significant increase in the assessment they get for deposit insurance. That was true. And this bill will extend the deposit insurance, which was temporarily at \$250,000, and makes it permanent. That's very important for the smaller banks. It has to be paid for. But also there were problems with the larger banks who got in trouble.

Absent this bill, community banks would have been facing a very significant increase in their assessment. Because this bill gives the FDIC borrowing authority, standby authority in case it's needed, they will not have to raise the assessment. The FDIC has to be ready to act. And if there was not the borrowing authority, they would have to raise the assessment to have a pool of money available. They have been, under Sheila Bair's leadership, a very thoughtful and responsible organization. Borrowing authority we will do. It's in here.

Similarly, there was a problem that threatened a significant increase in the assessment that our local credit unions would have to pay because of the failure of some large credit unions. There's a pattern here of the larger institutions' failure imposing costs on the smaller. It's our job to prevent that from happening.

What we have here is a provision that the gentleman from Pennsylvania (Mr. KANJORSKI) has worked on. We worked with the National Credit Union Administration. It provides a mechanism by which the significant increased assessment on the credit union can be avoided. That's why the National Credit Union Association has sent in a letter in support of this.

We will, as I said, be reducing foreclosures and helping the mortgage market. So the National Association of REALTORS has sent in a letter in support of this. And because it is good for the banking industry in general, the American Bankers Association has supported this.

Our major financial institution representatives support this bill. As I said, it enhances our ability to reduce foreclosures. It averts significant increases in assessments that would go to the credit unions and the community banks. It also includes language which we have been working on and this House had passed, and it was bipartisan in our committee, improving the programs for the homeless.

We made several important compromises on that. The gentlewoman from West Virginia who is here as the ranking member of the Housing Subcommittee on our committee worked on this. We incorporated that in this bill. So it is widely supported by people who are in the field of the homeless. It is, in general, an important piece of legislation that responds as well as we can to this foreclosure crisis.

Myself and a majority of the House clearly would have preferred if it had included the authority of bankruptcy courts to reduce mortgages on primary residences. We passed that in the House. It failed in the Senate. Our colleague from California (Ms. LOFGREN) and the chairman of the Judiciary Committee, Mr. CONYERS, and others made a very valiant effort to resuscitate it. It was not possible. I regret that. I hope we won't give up on that. I think it's a glaringly illogical and unfair part of the law, but it would be a

mistake, in my judgment, to allow that failure to get the votes that we tried to get in the Senate to stop the very many other important parts of the bill.

So, as I said, I move to suspend the rules. I hope we can send this soon to the President. If we pass this bill, it will go to the Senate; and I believe that the Senate will adopt it and send it on to the President.

INDEPENDENT COMMUNITY
BANKERS OF AMERICA,
May 18, 2009.

Hon. NANCY PELOSI,
Speaker of the House, House of Representatives,
Washington, DC.

Hon. JOHN A. BOEHNER,
Minority Leader, House of Representatives,
Washington, DC.

RE S. 896, the Helping Families Save their
Homes Act of 2009

DEAR SPEAKER PELOSI AND MINORITY LEADER BOEHNER: The Independent Community Bankers of America (ICBA), on behalf of its 5,000 community bank members nationwide, are writing to express our strong support for S. 896, the Helping Families Save their Homes Act of 2009, which the House will consider on the suspension calendar tomorrow. Several provisions in S. 896 are important to community bankers: the deposit insurance provisions—including extending the increase in deposit insurance coverage to \$250,000, increasing the FDIC's borrowing authority, making the assessments for the Temporary Liquidity Guarantee Program more equitable—plus improvements to the Hope for Homeowners Program (H4H).

DEPOSIT INSURANCE

The Emergency Economic Stabilization Act temporarily increased deposit insurance coverage from \$100,000 to \$250,000. The additional coverage has enhanced community bank liquidity and stability at this critical time. We are pleased S. 896 would extend this increase. Community banks also support provisions increasing the FDIC's authority to borrow from the Treasury, if needed. The increased authority will allow the FDIC to reduce its planned second quarter special assessment on all banks, keeping vital capital within community banks to support lending, while still ensuring an adequately funded Deposit Insurance Fund. ICBA also supports a provision to allow the FDIC to assess all financial institutions, including holding companies, benefiting from its Temporary Liquidity Guarantee Program, in the case of a deficit in the program. Current law only permits assessments against banks and thrifts.

HOPE FOR HOMEOWNERS AND SERVICER SAFE HARBOR PROVISION

Community banks support improvements to the Hope for Homeowners Program and the servicer safe harbor provisions found in S. 896. ICBA agrees minimizing foreclosures is essential to the effort to stabilize the U.S. economy. Foreclosure is often a very lengthy, costly and destructive process that puts downward pressure on the price of nearby homes and has a devastating impact on families and communities. The changes to the Hope for Homeowners Program and the servicer safe harbor provision will foster more voluntary loan modifications and are a positive step in bringing stability to the mortgage and housing markets.

We strongly urge a yes vote for S. 896. Thank you for considering our views.

Sincerely,

CAMDEN R. FINE,
President and CEO.

AMERICAN BANKERS ASSOCIATION,
Washington, DC, May 19, 2009.

Hon. NANCY PELOSI,
Speaker of the House, House of Representatives,
Washington, DC.

Hon. JOHN BOEHNER,
Republican Leader, House of Representatives,
Washington, DC.

DEAR SPEAKER PELOSI AND REPRESENTATIVE BOEHNER: I am writing on behalf of the members of the American Bankers Association in strong support of S. 896, the Helping Families Save Their Homes Act of 2009, which will be considered by the House today on the suspension calendar.

The legislation provides the Federal Deposit Insurance Corporation (FDIC) with a much needed increase in its borrowing authority, extends the period for the restoration of the FDIC's deposit insurance fund from five to eight years, and provides a temporary extension (through 2013) of the FDIC's \$250,000 deposit insurance limit.

The legislation also will make it easier for servicers to modify loan agreements. It improves the Hope for Homeowners Program to make it more accessible for lenders and better able to help homeowners avoid foreclosures.

ABA urges the House to pass this very important legislation. The increase in borrowing authority will enable the FDIC to reduce the proposed special assessment on all banks, thereby increasing funds available for lending in local communities.

We look forward to working with you to have S. 896 enacted into law as quickly as possible.

Sincerely,

FLOYD E. STONER.

CREDIT UNION NATIONAL ASSOCIATION,
Washington, DC, May 19, 2009.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.

Hon. JOHN BOEHNER,
Minority Leader, House of Representatives,
Washington, DC.

DEAR SPEAKER PELOSI AND RANKING MEMBER BOEHNER: On behalf of the Credit Union National Association (CUNA), I am writing in support of S. 896, the Helping Families Save Their Homes Act. CUNA is the largest credit union trade association, representing nearly 90% of America's 8,000 state and federally chartered credit unions and their 92 million members.

CUNA strongly supports S. 896, a bill that includes a number of provisions aimed at helping credit unions continue to help their members weather the financial crisis and maintain member confidence in credit unions. Credit unions consider this a critical vote.

S. 896 would extend the increase in deposit insurance coverage (\$250,000) for the National Credit Union Share Insurance Fund (NCUSIF) that Congress enacted on as part of the Emergency Economic Stabilization Act of 2008, until December 31, 2013. This provision is an important step that will help maintain member confidence in credit unions.

S. 896 also includes a number of provisions aimed at helping credit unions manage the impact of the financial crisis on the credit union system. Even though credit unions use strong underwriting standards to make loans to their members and keep most of their mortgages in portfolio, no financial institution is immune from the current economic situation. Corporate credit unions, which provide payment, settlement, investment and other services for natural person credit unions, have been particularly hard hit by the economic maelstrom.

On March 20, the National Credit Union Administration (NCUA) placed two corporate

credit unions—U.S. Central and Western Corporate Federal Credit Union (Wescorp)—into conservatorship. The losses at the two corporate credit unions were created by declines in the value of mortgage-backed securities in which they invested. Although these securities were originally AAA-rated and appeared prudent when the investments were made, market developments proved to the contrary. Despite these investment losses, the payment and settlement services provided by these corporate credit unions continue to be offered on a very sound basis.

The credit union system itself is covering the losses on these corporate credit union investments by way of a significant NCUSIF insurance assessment on all federally insured natural person credit unions. Under current law, credit unions must replenish their NCUSIF deposits equal to 1% of their insured shares on an annual basis and are also subject to premium charges when the fund drops below a 1.2% equity ratio. While credit unions expect to pay for the corporate credit union problem themselves, they would like to spread the losses over time, as banks are permitted to do for their insurance costs under current law.

S. 896 would increase NCUA's borrowing authority from Treasury from \$100 million to \$6 billion, with the ability to borrow as much as \$30 billion in exigent circumstances through December 2010. The amendment also establishes a Temporary Corporate Stabilization Fund that would also help NCUA to spread out credit unions' insurance costs over seven years. Spreading these costs over multiple years means that credit unions can use the funds that otherwise would have been used to pay the assessment immediately to make credit available to their members. CUNA strongly supports both the additional borrowing authority for NCUA as well as the establishment of the Temporary Corporate Stabilization fund.

Time is of the essence. We appreciate the timely consideration of the S. 896 and hope the legislation can be enacted expeditiously.

On behalf of America's credit unions, thank you very much for your consideration. Please support the S. 896, the Helping Families Save Their Homes Act.

Sincerely,

DANIEL A. MICA,
President & CEO.

NATIONAL ASSOCIATION OF
FEDERAL CREDIT UNIONS,
Arlington, Virginia, May 19, 2009.

Hon. NANCY PELOSI,
Speaker of the House, House of Representatives,
Washington, D.C.

Hon. JOHN BOEHNER,
Minority Leader, House of Representatives,
Washington, DC.

DEAR SPEAKER PELOSI AND MINORITY LEADER BOEHNER: On behalf of the National Association of Federal Credit Unions (NAFCU), the only trade association exclusively representing the interests of our nation's federal credit unions, I am writing to express our support for S. 896, the "Helping Families Save Their Homes Act of 2009" and to urge the House to support this legislation when it is considered on the suspension calendar today.

S. 896 would adopt the corporate credit union stabilization fund proposal recently released by the National Credit Union Administration (NCUA). NCUA's decision to place two corporate credit unions into conservatorship earlier this year has led to losses of approximately \$5.9 billion to the National Credit Union Share Insurance Fund (NCUSIF). Under present regulations, natural-person credit unions will be assessed a heavy charge in 2009 to recapitalize the NCUSIF. Swift implementation of the NCUA

proposal is necessary to prevent more than two-thirds of our nation's credit unions from having negative earnings for 2009, as well as to ensure that they are adequately capitalized. The creation of the temporary corporate credit union stabilization fund and the seven year timeframe for repayment of loans to the fund will provide immediate relief to large insurance fund premiums facing natural-person credit unions otherwise.

We also applaud the adoption of a longer time frame for the repayment of NCUSIF premiums contained in S. 896. By lengthening the repayment term to eight years, Congress ensures credit unions will be able to focus more of their resources on making loans that will strengthen the economy, rather than having to divert them to rebuild the NCUSIF.

Finally, as part of the Emergency Economic Stabilization Act of 2008, Congress increased the coverage on FDIC and NCUSIF insured accounts to \$250,000 through December 31, 2009. This change serves to maintain public confidence in insured depository institutions in the current economic environment. S. 896 would extend the higher insurance level for four more years, to 2013. This extension would ease confusion many credit unions and their members already have about the pending sunset on December 31st.

NAFCU thanks you for your time and consideration regarding these matters. We urge the House to vote "yes" and support S. 896 when it is considered on the suspension calendar today. Should you have any questions or require any additional information please do not hesitate to contact me or Brad Thaler, NAFCU's Director of Legislative Affairs, at 703-522-4775, ext 204.

Sincerely,

B. DAN BERGER,
Senior Vice President of Government Affairs.

NATIONAL ASSOCIATION
OF REALTORS®
Washington, DC, May 19, 2009.

Hon. BARNEY FRANK,
House of Representatives, Rayburn House Office
Building, Washington, DC.

DEAR CHAIRMAN FRANK: The 1.2 million members of the National Association of REALTORS® urge support of S. 896, the "Helping Families Save Their Homes Act", which passed the Senate on May 6, 2009 by a vote of 91-5.

S. 896 includes a number of much-needed provisions to limit foreclosures and keep families in their homes. The bill will expand loan modifications by providing a safe harbor for mortgage servicers who conduct loan modifications in good faith. The bill reforms the Hope for Homeowners program, preserving benefits to homeowners while limiting risks to the FHA fund and the taxpayer. The bill also strengthens oversight of FHA-approved lenders to protect the FHA fund and taxpayers from fraud and abuse. Finally, the bill establishes a task-force to investigate mortgage foreclosure fraud.

NAR asks for your support of S. 896, which will allow more American families to avoid foreclosure and will help in our housing recovery.

Sincerely,

CHARLES McMILLAN, CIPS, GRI,
2009 President, National Association of
REALTORS®.

I reserve the balance of my time.

Mrs. CAPITO. Mr. Speaker, I rise today in support of S. 896, the Helping Families Save Their Homes Act of 2009. As the chairman mentioned, it has broad-based support from a lot of groups that have been working with this bill.

Before I begin to discuss the specific provisions contained in this bill, I would like to talk about one of the provisions that is not in this bill. Thanks in large part to unified Republican opposition in the House and Senate, the bill does not include bankruptcy cramdown provisions. I joined with many of my colleagues in speaking against this provision, which previously passed the House and, in my opinion, would have caused untold damage to the mortgage market and substantially increased costs for consumers.

Allowing bankruptcy judges to unilaterally rewrite mortgage contracts is not the solution to the problems in our housing markets. The other body should, therefore, be commended for rejecting attempts to add cramdown provisions to this legislation.

Unfortunately, not all of the problematic provisions have been removed from the bill. The majority continues to insist upon salvaging the failed HOPE for Homeowners program. Last year HOPE for Homeowners was promoted as a way to assist hundreds of thousands of homeowners to modify their mortgages. To date, the program has helped only a handful of distressed borrowers. S. 896 attempts to fix HOPE for Homeowners by increasing the taxpayer subsidy for lenders seeking to offload their worst mortgages on the government.

Because mortgages modified under HOPE for Homeowners received an FHA guarantee, the inevitable losses that will result from defaults on many of these mortgages will further undermine, I believe, the solvency of that critical program.

It is important to note that the FHA is already under stress and that the Department of Housing and Urban Development has made an unprecedented budget request of almost \$800 million to keep the FHA afloat. Perhaps a better approach than trying to improve the HOPE for Homeowners program would have been to end it altogether.

I've authored legislation that would provide the Department of Housing and Urban Development with the ability to set up a program to assist struggling borrowers that gives the department much-needed flexibility to adjust to market changes. Yet there are many useful reforms in this legislation that are worthy of Republican support.

First, the Senate included provisions based on legislation by Dr. PAUL of this House that will greatly increase the transparency and accountability of various Federal Reserve liquidity facilities and specific initiatives to rescue individual firms that the government has deemed too big to fail by giving the GAO the statutory authority to audit these programs.

Second, the bill includes provisions to ease the crippling deposit insurance premiums that community banks, banks and credit unions will otherwise face in the coming months.

And third, the Senate bill includes a comprehensive reauthorization of the

McKinney-Vento homelessness program which, as the chairman noted, was passed in a strong bipartisan manner here in the last Congress.

We had significant contributions from many of my colleagues on both sides of the aisle. I'd like to thank Mrs. BIGGERT and Mr. GEOFF DAVIS of Kentucky from our side.

Mr. Chairman, S. 896 is far from a perfect bill, but S. 896 no longer contains what I believe were harmful bankruptcy provisions which could have further paralyzed the mortgage finance market. S. 896 will also make crucial changes in the deposit area which should help advance the economic recovery. For these reasons, I urge Members to support S. 896.

I would like to reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I did want to respond, and I appreciate the support from the gentlewoman for the bill.

With regard to the FHA, I just want to read from the National Association of REALTORS letter because they, as much as any entity in this country, have an interest in a strong FHA.

Contrary to the wishes expressed by the gentlewoman from West Virginia, the REALTORS approve of the fact that we are improving the HOPE for Homeowners program. It says, "The bill reforms the HOPE for Homeowners program, preserving benefits to homeowners while limiting risks to the FHA fund and the taxpayer. The bill also strengthens oversight of FHA-approved lenders to protect the FHA Fund and taxpayers from fraud and abuse."

At the hearing that we had earlier this year—and that was when the Bush administration was still in power—career employees of the FHA noted that they do not have, and will not have until this bill becomes law, the power to prevent applicants for FHA funding who have a record of abuse from applying again.

So at the initiative of the Committee on Financial Services, the gentlewoman from California (Ms. SPEIER) and the gentlewoman from California (Ms. WATERS), we added that to this language.

So what this bill includes is a very important power for the FHA to debar, to use the appropriate legal term, people who have had a record of fraud. That's one of the reasons why we think that the FHA is strengthened by this bill.

I reserve the balance of my time.

Mrs. CAPITO. In response to the chairman, we argued this in committee over whether it was wise to throw a lifeline to HOPE for Homeowners or to re-create the program or a program, and that's why this legislation is important because it does improve that. It does improve HOPE for Homeowners. But I would just like to note, to this date from October 1, 2008, to May 16, 2009, we've only had 954 applications and only 55 closings. And this is for a program that was sold to us basically

under the guise that it was going to help 25,000, at least, homeowners. So far we're looking at 55.

□ 1400

At this point I would like to yield 2 minutes to the gentlewoman from Kansas, a great member of our committee.

Ms. JENKINS. I rise today in support of one provision in particular of the underlying bill which allows for increased borrowing authority for the FDIC and the NCUA.

Community financial institutions in Kansas are facing a sizable special assessment due to the deposit insurance funds being drawn down with the failure of numerous institutions across the Nation. Just last week I had a great opportunity to visit with several bankers from across the State who were in town with the Independent Community Bankers Association.

Growing up in rural Kansas, I know full well the close-knit communities in which these and other financial institutions operate across eastern Kansas, faithfully investing the hard-earned dollars of their neighbors to the betterment of the community and the depositors.

These bankers impressed upon me the need for this borrowing authority. With the special assessment as it is today, banks and credit unions face further hardship meeting regulatory capital requirements and lending demands. However, the FDIC has indicated that passage of increased borrowing authority may result in a reduction of this special assessment by as much as half. This potential has my constituents asking this body and me to pass this provision.

It is clear that recent institutional failures have significantly increased losses of the insurance funds. However, by and large, the financial institutions in my district did not cause this economic trauma. We must be careful that these community institutions which serve so many folks are not unfairly saddled with higher premiums to compensate for the mistakes of others.

Mr. FRANK of Massachusetts. I yield 3 minutes to the gentlewoman from California (Ms. WATERS), the chairwoman of the Housing Subcommittee which played a major role in our efforts to deal with this crisis.

Ms. WATERS. Thank you very much, Mr. Chairman.

Mr. Speaker and Members, I would first like to thank Chairman BARNEY FRANK for the leadership that he has provided on all of these issues related to this economic crisis that we have been confronted with. Some of these issues, not expected, were thrown into his lap in an unusual way. And he has been able to guide our caucus in our House in ways that help to bring us to the point of passing this kind of legislation, the Helping Families Save Their Homes Act of 2009.

So I rise in support of S. 896, the Helping Families Save Their Homes Act of 2009. As chairwoman of the Fi-

ancial Services Subcommittee on Housing and Community Opportunity, I believe that the housing components of this bill will be essential in helping families and communities.

I am especially pleased that the bill includes a provision I authored to ensure that the FHA loan programs are out of bounds for the very worst subprime lenders who created this mortgage mess in the first place.

S. 896 also includes legislation drafted by my subcommittee to reauthorize and expand the McKinney-Vento Homelessness Assistance Program. Given the increase in homelessness due to the foreclosure crisis, inclusion of the McKinney-Vento legislation is both timely and appropriate. In addition the bill includes vital protections for renters facing evictions as a result of their landlord's foreclosure.

Finally, I am pleased that I was able to work with Senator LEAHY on making improvements to the Neighborhood Stabilization Program in order to allow States that receive the minimum allocation of funding to provide that funding to areas with homes at risk or in foreclosure.

While I believe S. 896 is an important piece of legislation, I am disappointed that it does not include a House-passed provision to allow judges to modify mortgages through bankruptcy. I am concerned that without this provision, we may continue to see an increase in the number of foreclosures.

I support S. 896, the Helping Families Save Their Homes Act of 2009.

And I would urge my colleagues to vote "yes."

Mrs. CAPITO. At this point, I have no further speakers. I would just like to reiterate my support for the bill, and I yield back the balance of my time.

GENERAL LEAVE

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on this legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mrs. BIGGERT. Mr. Speaker, I would like to submit my entire statement for the RECORD. Mr. Speaker, I'm disappointed that, at the last minute, the Rules Committee cancelled its scheduled hearing on this bill, S. 896, preventing Members from filing amendments to improve it.

Let me start by saying that this bill has important provisions that I support. It significantly reforms homeless housing programs, increases funds for housing counseling and to warn consumers about foreclosure rescue scams, provides a safe harbor for servicers and enhances other programs to help qualified homeowners save their homes. The bill creates a database on the root causes of foreclosures and authorizes a mortgage fraud task force. Provisions to increase the FDIC and NCUA's borrowing authority and extend the time needed to restore their insurance funds,

for financial institutions, aim to stabilize insurance fees and free up capital so they can lend to consumers and small businesses. In addition, the bill increases Federal Reserve transparency and TARP oversight—two very important items for taxpayers.

Despite these good provisions in the bill, it still falls short. To address these shortcomings, I intended to offer a few bi-partisan amendments but was denied the opportunity. Mr. Speaker, I would like to insert the text of these amendments for the RECORD and say a few words.

First, the bill is too light on housing counseling. Counselors are on the front lines of the foreclosure crisis and often the first place homeowners turn to for help. Three hundred Members voted for this language, as part of H.R. 1728, to bolster HUD's housing counseling programs, enhance program coordination, increase grants and streamline the process, as well as launch a national outreach campaign.

My second amendment, cosponsored by Mr. NEUGEBAUER, would have required HUD and the Fed to coordinate efforts to produce compatible and improved residential mortgage disclosures. Consumers deserve nothing less. Again, earlier this month, 300 Members voted for H.R. 1728, which contained the exact language of this amendment.

Third, recent reports indicated that one in fifty U.S. children is homeless, and during the 2007–2008 school year, there was an 18 percent increase in the number of homeless students. Why? The rise in foreclosures and decline in jobs, but also—something fairly unknown—some agencies can help all homeless kids, but HUD cannot. Does that make sense?

To help address this mismatch in programs, Ms. MCCARTHY, Mr. DAVIS, and I have an amendment to allow HUD to provide homeless housing and services to all homeless children who are already served by programs run by the Departments of Education, Health and Human Services, and Justice. Homeless kids should be our top priority.

Thanks to concessions made by some of my colleagues here and in the Senate, the underlying bill, S. 896, moves an inch to help these kids, but it should move miles.

Speaking of miles, I would like to take a moment to recognize a courageous, young man who is fighting with us on this issue. On Sunday, USA Today reported that an 11-year old boy from Florida, Zach Bonner, is hiking from Florida to Washington, DC, and collecting letters from homeless kids on the way to deliver to President Obama. Thank you, Zach. Keep hiking. We're with you. I hope that other Members of Congress and this Administration can be so brave and fix the law to help homeless kids.

I hope my colleagues, in particular, Chairman FRANK, will commit our Committee to continue work on these very important matters.

AMENDMENT TO S. 896. OFFERED BY MRS. BIGGERT OF ILLINOIS

Page 86, after line 14, insert the following new title:

TITLE IX—OFFICE OF HOUSING COUNSELING

SEC. 901. EXPANSION AND PRESERVATION OF HOME OWNERSHIP THROUGH COUNSELING.

Title IV of H.R. 1728, An Act to amend the Truth in Lending Act to reform consumer mortgage practices and

provide accountability for such practices, to provide certain minimum standards for such consumer loans, and for other purposes, as passed the House of Representatives on May 7, 2009, is hereby enacted into law with the following amendments:

(1) In the paragraph added to section 106(a) of the Housing and Urban Development Act of 1968 by the amendment made by section 404 of such title, strike subparagraph (D).

(2) Strike section 409 of such title.

AMENDMENT TO S. 896. OFFERED BY MRS. BIGGERT OF ILLINOIS AND MR. NEUGEBAUER OF TEXAS

Page 18, after line 2, insert the following new section:

SEC. 106. RESPA AND TILA DISCLOSURE IMPROVEMENT.

(a) **COMPATIBLE DISCLOSURES.**—The Secretary of Housing and Urban Development and the Board of Governors of the Federal Reserve shall, not later than the expiration of the 6-month period beginning upon the date of the enactment of this Act, jointly issue for public comment proposed regulations providing for compatible disclosures for borrowers to receive at the time of mortgage application and at the time of closing.

(b) **REQUIREMENTS.**—Such disclosures shall—

(1) provide clear and concise information to borrowers on the terms and costs of residential mortgage transactions and mortgage transactions covered by the Truth in Lending Act (12 U.S.C. 1601 et seq.) and the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.);

(2) satisfy the requirements of section 128 of the Truth in Lending Act (12 U.S.C. 1638) and section 4 and 5 of the Real Estate Settlement Procedures Act of 1974; and

(3) comprise early disclosures under the Truth in Lending Act and the good faith estimate disclosures under the Real Estate Settlement Procedures Act of 1974 and final Truth in Lending Act disclosures and the uniform settlement statement disclosures under Real Estate Settlement Procedures Act of 1974 and provide for standardization to the greatest extent possible among such disclosures from mortgage origination through the mortgage settlement.

(4) shall include, with respect to a residential home mortgage loan, a written statement of—

(A) the principal amount of the loan;

(B) the term of the loan;

(C) whether the loan has a fixed rate of interest or an adjustable rate of interest;

(D) the annual percentage rate of interest under the loan as of the time of the disclosure;

(E) if the rate of interest under the loan can adjust after the disclosure, for each such possible adjustment—

(i) when such adjustment will or may occur; and

(ii) the maximum annual percentage rate of interest to which it can be adjusted;

(F) the total monthly payment under the loan (including loan principal and interest, property taxes, and insurance) at the time of the disclosure;

(G) the maximum total estimated monthly maximum payment pursuant to each such possible adjustment;

(H) the total settlement charges in connection with the loan and the amount of any downpayment and cash required at settlement; and

(I) whether or not the loan has a prepayment penalty or balloon payment and the terms, timing, and amount of any such penalty or payment.

(c) **SUSPENSION OF 2008 RESPA RULE.**—

(1) **REQUIREMENT.**—The Secretary of Housing and Urban Development shall, during the

period beginning on the date of the enactment of this Act and ending upon issuance of proposed regulations pursuant to subsection (a), suspend implementation of any provisions of the final rule referred to in paragraph (2) that would establish and implement a new standardized good faith estimate and a new standardized uniform settlement statement. Any such provisions shall be replaced by the regulations issued pursuant to subsections (a) and (b).

(2) **2008 rule.**—The final rule referred to in this paragraph is the rule of the Department of Housing and Urban Development published on November 17, 2008, on pages 68204–68288 of Volume 73 of the Federal Register (Docket No. FR–5180–F–03; relating to ‘Real Estate Settlement Procedures Act (RESPA): Rule to Simplify and Improve the Process of Obtaining Mortgages and Reduce Consumer Settlement Costs’).

(d) **IMPLEMENTATION.**—The regulations required under subsection (a) shall take effect, and shall provide an implementation date for the new disclosures required under such regulations, not later than the expiration of the 12-month period beginning upon the date of the enactment of this Act.

(e) **FAILURE TO ISSUE COMPATIBLE DISCLOSURES.**—If the Secretary of Housing and Urban Development and the Board of Governors of the Federal Reserve System cannot agree on compatible disclosures pursuant to subsections (a) and (b), the Secretary and the Board shall submit a report to the Congress, after the 6-month period referred to in subsection (a), explaining the reasons for such disagreement. After the 15-day period beginning upon submission of such report, the Secretary and the Board may separately issue for public comment regulations providing for disclosures under the Real Estate Settlement Procedures Act of 1974 and the Truth in Lending Act, respectively. Any final disclosures as a result of such regulations issued by the Secretary and the Board shall take effect on the same date, and not later than the expiration of the 12-month period beginning on the date of the enactment of this Act. If either the Secretary or the Board fails to act during such 12-month period, either such agency may act independently and implement final regulations.

(f) **STANDARDIZED DISCLOSURE FORMS.**—

(1) **IN GENERAL.**—Any regulations proposed or issued pursuant to the requirements of this section shall include model disclosure forms.

(2) **OPTION FOR MANDATORY USE.**—In issuing proposed regulations under subsection (a), the Secretary of Housing and Urban Development and the Board of Governors of the Federal Reserve System shall include regulations for the mandatory use of standardized disclosure forms if they jointly determine that it would substantially benefit the consumer.

AMENDMENT TO S. 896. OFFERED BY MRS. BIGGERT OF ILLINOIS, MRS. MCCARTHY OF NEW YORK, AND MR. DAVIS OF KENTUCKY

Page 91, line 3, strike “and”.

Page 91, line 19, strike the period and insert “; and”.

Page 91, after line 19, insert the following:

“(7) a child or youth who has been verified as homeless—

“(A) as such term is defined in section 725(2)(B)(i) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)(B)(i)), by a local educational agency homeless liaison, designated pursuant to section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(g)(1)(J)(ii)), and the family of such child or youth;

“(B) by the director of a program funded under the Runaway and Homeless Youth Act

(42 U.S.C. 5701 et seq.), or a designee of the director;

“(C) under section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401) by the director or the designee of such program, and the family of such child; or

“(D) under section 637 of the Head Start Act (42 U.S.C. 9832) by the director or designee of such program, and the family of such child.”

Mr. BLUMENAUER. Mr. Speaker, in communities across the Nation, the scourge of foreclosure is a deepening problem. In Oregon, 3,388 homes went into foreclosure in March, a 107% increase over the number of foreclosures in March 2008. Nationally, lenders filed foreclosure actions against more than 340,000 properties in March alone. These figures helped make the first quarter of 2009 the worst on record for foreclosure activity.

I support this bill because it will equip homeowners and lenders with new and improved tools to combat foreclosures. It will help banks to increase their lending to small businesses and American consumers. While this bill is not a cure-all for our Nation's economic troubles, it makes important contributions towards the protection of American homeownership.

In particular, I support the bill's modifications to the HOPE for Homeowners program, which will ease restrictions on eligibility and enable refinancing of underwater mortgages for a greater number of borrowers.

One major difference between this bill and the one that the House passed in early March is the judicial modification provision, missing from this bill. Allowing bankruptcy judges to modify principal balances of residential mortgage loans is an important policy, and one which I continue to support.

It is only fair that Congress offer average families the same alternative to foreclosure that has been available under the law for many years to owners of vacation homes, investment properties, private jets, and luxury yachts. Under such a provision, while some mortgage lenders would not get every penny owed to them, on balance they would get more than if these families had no better choice than to fall into foreclosure.

Mr. SKELTON. Mr. Speaker, throughout this tough recession, Congress has been working to reduce the length and severity of the economic downturn and its impact on the American people. While we have approved a number of important bills in this area, let me share my support today for S. 896, a bipartisan bill known as the Helping Families Save Their Homes Act.

S. 896 is a balanced bill that will provide tools and incentives to help reduce foreclosures, will strengthen Federal protections against predatory lending, will establish the right of homeowners to know who owns their mortgage, and will give the Federal Housing Administration and USDA's Rural Housing Service legal flexibility to undertake loan modifications. Reducing foreclosures and stabilizing the housing market are key to turning around America's economy, which is why I am pleased that S. 896 has been written with the support of both congressional Democrats and Republicans.

While S. 896 will help to mend the ailing housing market, the bill is also good for small town banks and for all Americans who keep their savings in a bank or credit union.

As some banks gambled and made risky loans to subprime borrowers, most small town financial institutions played by the rules and did not get caught up in the hazardous lending behavior that is at the heart of our recession. But, as larger banks have faltered, community banks have been replenishing the deposit insurance fund that protects investments throughout the financial system. To strengthen the financial stability of community banks and credit unions, S. 896 increases the borrowing authority for FDIC and for the federal credit union regulator. These increases will help level the playing field so community financial institutions are not stuck picking up the tab for their larger competitors.

And, to better protect deposits, S. 896 increases FDIC insurance protection for accounts holding up to \$250,000. This action is not only beneficial to depositors but also to small town financial institutions that derive their funding and lending ability from deposits.

I urge my colleagues to support S. 896 and hope the legislation, if passed, can be swiftly signed into law by the President.

Mr. AL GREEN of Texas. Mr. Speaker, I am proud to support S. 896, the Helping Families Save Their Homes Act of 2009. I supported H.R. 1106 when it left the House, and while lacking the provision to allow for judicial "cramdown," I am pleased with many of the improvements that S. 896 brings.

This bill reflects an affirmation of this legislative body's dedication to ensure that the American dream of homeownership is not lost for millions of American families. The foreclosure crisis has devastated our economy and this bill is another step towards stabilizing our housing market and restoring confidence in the American people.

S. 896 improves the HOPE for Homeowners program, making it a more viable option for helping families sustain homeownership; it provides a safe harbor for those who would engage in legitimate loan modifications or utilize the HOPE for Homeowners Program. The bill strengthens the FDIC and credit unions to ensure the availability of credit for consumers, which is crucial in this time of economic downturn.

S. 896 reauthorizes the McKinney-Vento Homelessness Assistance Grants for the first time in 20 years, and authorizes \$2.2 billion for the programs for FY 2010 and 2011. It also provides funding to HUD to increase public awareness regarding foreclosure scams.

Finally, the tenant protections included in the bill ensure that bona fide tenants are not unfairly removed from their residences when foreclosures occur that they could not control.

Overcoming the foreclosure crisis and the damage that it has wrought will take time and dedication. However, by passing the Helping Families Save Their Homes Act, we are taking a critical step forward in protecting the American homeowner.

Mr. VAN HOLLEN. Mr. Speaker, today, I rise in support of the Helping Families Save Their Homes Act, a bipartisan bill that will help millions of American families avoid the nightmare of foreclosure. Foreclosures cost an American family its home every 13 seconds, and negatively impact entire neighborhoods. Each foreclosed home reduces nearby property values by as much as 9 percent, and the lack of property tax revenues can affect community services and the quality of our schools. We all stand to lose if we do not stop the

steep decline in home prices, which is why Congress and President Obama are taking action.

This legislation builds on the President's comprehensive Homeowner Affordability and Stability Plan, and provides key tools and incentives for lenders, servicers and homeowners to modify loans and to avoid foreclosures. It bolsters important consumer rights to housing information and strengthens community banks, which are crucial to small businesses and families across this nation. It also makes important improvements to the Hope for Homeowners program, which was created by Congress to help those at risk of default and foreclosure refinance into more affordable, sustainable loans.

Stabilizing the housing market is central to restoring the American economy. By passing the Helping Families Save Their Homes Act of 2009, we are not just helping millions of families keep their homes—we are getting the economy back on track and moving America in a new direction.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. FRANK) that the House suspend the rules and pass the Senate bill, S. 896, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FRANK of Massachusetts. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CONGRATULATING ANTHONY KEVIN "TONY" DUNGY FOR HIS ACCOMPLISHMENTS AS A COACH, FATHER, AND EXEMPLARY MEMBER OF HIS COMMUNITY

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of House Resolution 70 and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The text of the resolution is as follows:

H. RES. 70

Whereas Tony Dungy attended the University of Minnesota and became the school's leader in completions, touchdown passes and passing yards;

Whereas Tony Dungy received two "Most Valuable Player" awards from the University of Minnesota;

Whereas Tony Dungy continued his football career in the NFL and became a Super

Bowl Champion with the Pittsburgh Steelers in 1978;

Whereas Tony Dungy, at the age of 25, became the youngest assistant coach, and at the age of 28, became the youngest defensive coordinator in NFL history;

Whereas Tony Dungy, in 1997, helped lead the Tampa Bay Buccaneers to their first winning season since 1982;

Whereas Tony Dungy was the first African-American head coach to win the Super Bowl by leading the Indianapolis Colts over the Chicago Bears in 2007;

Whereas Tony Dungy is the first NFL head coach to defeat all 32 NFL teams;

Whereas Tony Dungy has been a remarkable and upstanding member of the communities of which he has been a part;

Whereas Tony Dungy has been an advocate for the Christian faith and a mentor for American youth;

Whereas Tony Dungy has acted as a public speaker for the Fellowship of Christian Athletes and Athletes in Action;

Whereas Tony Dungy started Mentors for Life, a mentoring program for young people and provided participants with tickets to Buccaneers' games;

Whereas Tony Dungy has supported numerous charitable programs and community service organizations and remains actively involved in his communities in Tampa and Indianapolis;

Whereas Tony Dungy was appointed by President George W. Bush to the President's Council on Service and Civil Participation in August of 2007; and

Whereas Tony Dungy wrote a memoir which reached No. 1 on the hardcover nonfiction section of the New York Times Best Seller list on August 5, 2007, and again on September 9, 2007: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates Tony Dungy on his successful playing and coaching career and historic coaching accomplishments; and

(2) commends Tony Dungy for his compassion, integrity, and commitment to his faith, family, and community.

The resolution was agreed to.

A motion to reconsider was laid on the table.

HONORING KAREN BASS FOR BECOMING THE FIRST AFRICAN-AMERICAN WOMAN ELECTED SPEAKER OF THE CALIFORNIA STATE ASSEMBLY

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of House Resolution 49 and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The text of the resolution is as follows:

H. RES. 49

Whereas Karen Bass made history as the first African-American woman to serve as Speaker in a State legislative body in the United States;

Whereas Karen Bass was sworn in as the 67th Speaker of the California State Assembly on May 13, 2008;

Whereas Karen Bass was elected in 2005 to represent California's 47th Assembly District;

Whereas Karen Bass represents Culver City, West Los Angeles, Westwood, Cheviot Hills, Ladera Heights, the Crenshaw District, Little Ethiopia, Baldwin Hills, and parts of Korea Town and South Los Angeles;

Whereas Karen Bass in her first term was appointed to Majority Whip;

Whereas Karen Bass in her second term was elevated to the post of Majority Floor Leader, making her the first woman to hold the post and the second African-American to serve in the position;

Whereas Karen Bass founded and operated Community Coalition before becoming an elected official, which is a community based social justice organization in South Los Angeles empowering people to make a difference in the community;

Whereas Karen Bass graduated from Hamilton High School, California State University at Dominguez Hills, and the University of Southern California's School Of Medicine; and

Whereas Karen Bass was raised in the Venice/Fairfax area of Los Angeles with her parents DeWitt and Wilhelmina Bass: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors Karen Bass for becoming the first African-American woman Speaker of the California State Assembly; and

(2) expresses support for the California State Assembly as it welcomes Karen Bass as its 67th Speaker.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed. Votes will be taken in the following order:

H.R. 1089 by the yeas and nays;

S. 896 by the yeas and nays;

H. Res. 360 by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

VETERANS EMPLOYMENT RIGHTS REALIGNMENT ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass H.R. 1089, as amended, on which the yeas and nays are ordered.

The Clerk will report the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 1089, as amended.

The vote was taken by electronic device, and there were—yeas 423, nays 0, not voting 10, as follows:

[Roll No. 270]

YEAS—423

Abercrombie	Aderholt	Akin
Ackerman	Adler (NJ)	Alexander

Altmire	Diaz-Balart, M.	Kingston
Andrews	Dicks	Kirk
Arcuri	Dingell	Kirkpatrick (AZ)
Austria	Doggett	Kissell
Baca	Donnelly (IN)	Klein (FL)
Bachmann	Doyle	Kline (MN)
Bachus	Dreier	Kosmas
Baird	Driehaus	Kratovil
Baldwin	Duncan	Kucinich
Barrow	Edwards (MD)	Lamborn
Bartlett	Edwards (TX)	Lance
Barton (TX)	Ehlers	Langevin
Bean	Ellison	Larsen (WA)
Becerra	Ellsworth	Larson (CT)
Berkley	Emerson	Latham
Berman	Engel	LaTourette
Berry	Eshoo	Latta
Biggert	Etheridge	Lee (CA)
Bilbray	Fallin	Lee (NY)
Bilirakis	Farr	Levin
Bishop (GA)	Fattah	Lewis (CA)
Bishop (NY)	Filner	Lewis (GA)
Bishop (UT)	Flake	Linder
Blackburn	Fleming	Lipinski
Blumenauer	Forbes	LoBiondo
Blunt	Fortenberry	Loeb
Boccieri	Foster	Loebsack
Boehner	Fox	Lofgren, Zoe
Bonner	Fox	Lowey
Bono Mack	Frank (MA)	Lucas
Boozman	Franks (AZ)	Luetkemeyer
Boren	Frelinghuysen	Lujan
Boswell	Fudge	Lummis
Boucher	Gallegly	Lungren, Daniel
Boustany	Garrett (NJ)	E.
Boyd	Gerlach	Lynch
Brady (TX)	Giffords	Mack
Braley (IA)	Gingrey (GA)	Maffei
Bright	Gohmert	Maloney
Broun (GA)	Gonzalez	Manzullo
Brown (SC)	Goodlatte	Marchant
Brown, Corrine	Gordon (TN)	Markey (CO)
Brown-Waite,	Granger	Markey (MA)
Ginny	Graves	Marshall
Buchanan	Grayson	Massa
Burgess	Green, Al	Matheson
Burton (IN)	Green, Gene	Matsui
Butterfield	Griffith	McCarthy (CA)
Buyer	Grijalva	McCarthy (NY)
Calvert	Guthrie	McCaul
Camp	Gutierrez	McClintock
Campbell	Hall (NY)	McColum
Cantor	Hall (TX)	McCotter
Cao	Halvorson	McDermott
Capito	Hare	McGovern
Capps	Harman	McHenry
Capuano	Harper	McHugh
Carnahan	Hastings (FL)	McIntyre
Carney	Hastings (WA)	McKeon
Carson (IN)	Heinrich	McMahon
Carter	Heller	McMorris
Cassidy	Hensarling	Rodgers
Castle	Herger	McNerney
Castor (FL)	Herseth Sandlin	Meek (FL)
Chaffetz	Higgins	Melancon
Chandler	Hill	Mica
Childers	Himes	Michaud
Clarke	Hinche	Miller (FL)
Clay	Hinojosa	Miller (MI)
Cleaver	Hirono	Miller (NC)
Clyburn	Hodes	Miller, Gary
Coble	Hoekstra	Miller, George
Coffman (CO)	Holden	Minnick
Cohen	Holt	Mitchell
Cole	Hoyer	Mollohan
Conaway	Hunter	Moore (KS)
Connolly (VA)	Inglis	Moore (WI)
Conyers	Inslee	Moran (KS)
Cooper	Israel	Moran (VA)
Costa	Issa	Murphy (CT)
Costello	Jackson (IL)	Murphy (NY)
Courtney	Jackson-Lee	Murphy, Patrick
Crenshaw	(TX)	Murphy, Tim
Crowley	Jenkins	Murtha
Cuellar	Johnson (GA)	Murphy
Culberson	Johnson (IL)	Nadler (NY)
Cummings	Johnson, E. B.	Napolitano
Dahlkemper	Johnson, Sam	Neal (MA)
Davis (AL)	Jones	Neugebauer
Davis (CA)	Jordan (OH)	Nunes
Davis (IL)	Kagen	Nye
Davis (KY)	Kanjorski	Oberstar
Davis (TN)	Kaptur	Obey
Deal (GA)	Kennedy	Olson
DeFazio	Kildee	Oliver
DeGette	Kirkpatrick (MI)	Ortiz
DeLauro	Kilroy	Pallone
Dent	Kind	Pascarell
Diaz-Balart, L.	King (IA)	Pastor (AZ)
	King (NY)	Paul

Paulsen	Ryan (WI)	Teague
Payne	Salazar	Terry
Pence	Sanchez, Loretta	Thompson (CA)
Perlmutter	Sarbanes	Thompson (MS)
Perriello	Scalise	Thompson (PA)
Peters	Schakowsky	Thornberry
Peterson	Schauer	Tiahrt
Petri	Schiff	Tiberi
Pingree (ME)	Schmidt	Tierney
Pitts	Schrader	Titus
Platts	Schwartz	Tonko
Poe (TX)	Scott (GA)	Towns
Polis (CO)	Scott (VA)	Tsongas
Pomeroy	Sensenbrenner	Turner
Posey	Serrano	Upton
Price (GA)	Sessions	Van Hollen
Price (NC)	Sestak	Velázquez
Putnam	Shadegg	Visclosky
Quigley	Shea-Porter	Walden
Radanovich	Sherman	Walz
Rahall	Shimkus	Wamp
Rangel	Shuler	Wasserman
Rehberg	Shuster	Schultz
Reichert	Simpson	Waters
Reyes	Sires	Watson
Richardson	Skelton	Watt
Rodriguez	Slaughter	Waxman
Roe (TN)	Smith (NE)	Weiner
Rogers (AL)	Smith (NJ)	Welch
Rogers (KY)	Smith (TX)	Westmoreland
Rogers (MI)	Smith (WA)	Wexler
Rohrabacher	Snyder	Whitfield
Rooney	Souder	Wilson (OH)
Ros-Lehtinen	Space	Wilson (SC)
Roskam	Spratt	Wittman
Ross	Stearns	Wolf
Rothman (NJ)	Stupak	Woolsey
Roybal-Allard	Sullivan	Wu
Royce	Sutton	Yarmuth
Ruppersberger	Tanner	Young (AK)
Rush	Tauscher	Young (FL)
Ryan (OH)	Taylor	

NOT VOTING—10

Barrett (SC)	Honda	Schock
Brady (PA)	Meeks (NY)	Speier
Cardoza	Sanchez, Linda	Stark
Delahunt	T.	

□ 1432

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to amend title 38, United States Code, to provide for the enforcement through the Office of Special Counsel of the employment and reemployment rights of veterans and members of the Armed Forces employed by Federal executive agencies, and for other purposes."

A motion to reconsider was laid on the table.

HELPING FAMILIES SAVE THEIR HOMES ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the Senate bill, S. 896, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. FRANK) that the House suspend the rules and pass the Senate bill, S. 896, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 367, nays 54, answered "present" 1, not voting 11, as follows:

[Roll No. 271]

YEAS—367

Abercrombie Dreier Lewis (GA)
Ackerman Driehaus Lipinski
Aderholt Edwards (MD) Luján
Adler (NJ) Edwards (TX) Loebsack
Alexander Ehlers Lowey
Altmire Ellison Lucas
Andrews Ellsworth Luetkemeyer
Arcuri Emerson Luján
Austria Engel Lummis
Baca Eshoo Lungren, Daniel
Bachus Etheridge E.
Baird Fallin Lynch
Baldwin Farr Maffei
Barrow Fattah Maloney
Bean Filner Manzullo
Becerra Fleming Markey (CO)
Berkley Forbes Markey (MA)
Berman Fortenberry Marshall
Berry Foster Massa
Biggert Frank (MA) Matheson
Bilbray Frelinghuysen Matsui
Bilirakis Fudge McCarthy (CA)
Bishop (GA) Gallegly McCarthy (NY)
Bishop (NY) Gerlach McCaul
Bishop (UT) Giffords McCollum
Blumenauer Gonzalez McCotter
Blunt Goodlatte McDermott
Bocieri Gordon (TN) McGovern
Boehner Granger McHugh
Bonner Graves McIntyre
Bono Mack Grayson McKeon
Boozman Green, Al McMahon
Boren Green, Gene McMorris
Boswell Griffith Rodgers
Boucher Grijalva McNerney
Boustany Guthrie Meek (FL)
Boyd Gutierrez Meeks (NY)
Braley (IA) Hall (NY) Melancon
Bright Halvorson Mica
Brown (SC) Hare Michaud
Brown, Corrine Harman Miller (MI)
Brown-Waite, Hastings (FL) Miller (NC)
Ginny Hastings (WA) Miller, Gary
Buchanan Heinrich Miller, George
Butterfield Heller Minnick
Calvert Herger Mitchell
Camp Herseth Sandlin Mollohan
Cantor Higgins Moore (KS)
Cao Hill Moore (WI)
Capito Himes Moran (KS)
Capps Hinchey Moran (VA)
Capuano Hinojosa Murphy (CT)
Carnahan Hirono Murphy (NY)
Carney Hodes Murphy, Patrick
Carson (IN) Hoekstra Murphy, Tim
Carter Holden Murtha
Cassidy Holt Myrick
Castle Hoyer Nadler (NY)
Castor (FL) Hunter Napolitano
Chaffetz Inslee Neal (MA)
Chandler Israel Nunes
Clarke Jackson (IL) Nye
Childers Jackson-Lee Oberstar
Clay (TX) Obey
Cleaver Jenkins Oliver
Clyburn Johnson (GA) Ortiz
Coble Johnson (IL) Pallone
Coffman (CO) Johnson, E. B. Pascarell
Cohen Jones Pastor (AZ)
Cole Kagen Paulsen
Connolly (VA) Kanjorski Payne
Conyers Kennedy Perlmutter
Cooper Kildee Perriello
Costa Kilpatrick (MI) Peters
Costello Kilroy Peterson
Courtney Kind Petri
Crenshaw King (NY) Pingree (ME)
Crowley Kirk Pitts
Cuellar Kirkpatrick (AZ) Platts
Cummings Kissell Polis (CO)
Dahlkemper Klein (FL) Pomeroy
Davis (AL) Kline (MN) Posey
Davis (CA) Kosmas Price (NC)
Davis (IL) Kratochvil Putnam
Davis (KY) Kucinich Quigley
Davis (TN) Lance Rahall
DeFazio Langevin Rangel
DeGette Larsen (WA) Rehberg
DeLauro Larson (CT) Reichert
Dent Latham Reyes
Diaz-Balart, L. LaTourette Richardson
Dicks Latta Rodriguez
Dingell Lee (CA) Roe (TN)
Doggett Lee (NY) Rogers (AL)
Donnelly (IN) Levin Rogers (KY)
Doyle Lewis (CA) Rogers (MI)

Rooney Shuster Towns
Ros-Lehtinen Simpson Tsongas
Roskam Sires Turner
Ross Skelton Upton
Rothman (NJ) Slaughter Van Hollen
Roybal-Allard Smith (NE) Velázquez
Ruppersberger Smith (NJ) Visclosky
Rush Smith (TX) Walden
Ryan (OH) Smith (WA) Walz
Salazar Snyder Wamp
Sanchez, Loretta Souder Wasserman
Sarbanes Space Schultz
Scalise Spratt Waters
Schakowsky Stearns Watson
Schauer Sullivan Watt
Schiff Sutton Waxman
Schmidt Tanner Weiner
Schock Tauscher Welch
Schrader Teague Wexler
Schwartz Terry Wilson (OH)
Scott (GA) Thompson (CA) Wilson (SC)
Scott (VA) Thompson (MS) Wittman
Serrano Thompson (PA) Wolf
Sestak Tiahrt Woolsey
Shea-Porter Tiberi Wu
Sherman Tierney Yarmuth
Shimkus Titus Young (AK)
Shuler Tonko Young (FL)

NAYS—54

Akin Gingrey (GA) Miller (FL)
Bachmann Gohmert Neugebauer
Bartlett Hall (TX) Olson
Barton (TX) Harper Paul
Blackburn Hensarling Pence
Brady (TX) Inglis Poe (TX)
Broun (GA) Issa Price (GA)
Burgess Johnson, Sam Radanovich
Burton (IN) Jordan (OH) Rohrabacher
Campbell King (IA) Royce
Conaway Kingston Sensenbrenner
Culberson Lamborn Sessions
Deal (GA) Linder Shadegg
Duncan Lofgren, Zoe Stupak
Flake Mack Taylor
Foxy Marchant Thornberry
Franks (AZ) McClintock Westmoreland
Garrett (NJ) McHenry Whitfield

ANSWERED "PRESENT"—1

Kaptur

NOT VOTING—11

Barrett (SC) Delahunt Sánchez, Linda
Brady (PA) Diaz-Balart, M. T.
Buyer Honda Speier
Cardoza Ryan (WI) Stark

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1441

So (two-thirds being in the affirmative) the rules were suspended and the Senate bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. RYAN of Wisconsin. Mr. Speaker, on rollcall No. 271 I was unavoidably detained. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. HONDA. Mr. Speaker, on rollcall Nos. 270 and 271, had I been present, I would have voted "yea."

URGING VISITS TO CEMETERIES ON MEMORIAL DAY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 360, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and agree to the resolution, H. Res. 360.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 422, nays 0, not voting 11, as follows:

[Roll No. 272]

YEAS—422

Abercrombie Cooper Hill
Ackerman Costa Himes
Aderholt Costello Hinchey
Adler (NJ) Courtney Hinojosa
Akin Crenshaw Hirono
Alexander Crowley Hodes
Altmire Cuellar Hoekstra
Andrews Culberson Holden
Arcuri Cummings Holt
Austria Dahlkemper Honda
Baca Davis (AL) Hoyer
Bachmann Davis (CA) Hunter
Bachus Davis (IL) Inglis
Baird Davis (KY) Inslee
Baldwin Deal (GA) Israel
Barrow DeFazio Issa
Bartlett DeGette Jackson (IL)
Barton (TX) DeLauro Jackson-Lee
Bean Dent (TX)
Becerra Diaz-Balart, L. Jenkins
Berkley Diaz-Balart, M. Johnson (GA)
Berman Dicks Johnson (IL)
Berry Dingell Johnson, E. B.
Biggert Doggett Johnson, Sam
Bilbray Donnelly (IN) Jones
Bilirakis Doyle Jordan (OH)
Bishop (GA) Dreier Kagen
Bishop (NY) Driehaus Kanjorski
Bishop (UT) Duncan Kaptur
Blackburn Edwards (MD) Kennedy
Blumenauer Edwards (TX) Kildee
Blunt Ehlers Kilpatrick (MI)
Bocieri Ellison Kilroy
Boehner Ellsworth Kind
Bonner Emerson King (IA)
Bono Mack Engel King (NY)
Boozman Eshoo Kingston
Boren Etheridge Kirk
Boswell Fallin Kirkpatrick (AZ)
Boucher Farr Kissell
Boustany Fattah Klein (FL)
Boyd Filner Kline (MN)
Brady (TX) Flake Kosmas
Braley (IA) Fleming Kratochvil
Bright Forbes Kucinich
Broun (GA) Fortenberry Lamborn
Brown (SC) Foster Lance
Brown, Corrine Foxx Langevin
Brown-Waite, Frank (MA) Larsen (WA)
Ginny Franks (AZ) Larson (CT)
Buchanan Frelinghuysen Latham
Burgess Fudge LaTourette
Burton (IN) Gallegly Latta
Butterfield Garrett (NJ) Lee (CA)
Buyer Gerlach Lee (NY)
Calvert Giffords Levin
Camp Gingrey (GA) Lewis (CA)
Campbell Gohmert Lewis (GA)
Cantor Gonzalez Linder
Cao Goodlatte Lipinski
Capito Gordon (TN) LoBiondo
Capuano Granger Loebsack
Carnahan Graves Lofgren, Zoe
Carney Grayson Lowey
Carson (IN) Green, Al Lucas
Carter Green, Gene Luetkemeyer
Cassidy Luján Luján
Castle Grijalva Lummis
Castor (FL) Guthrie Lungren, Daniel
Chaffetz Gutierrez E.
Chandler Hall (NY) Lynch
Childers Hall (TX) Mack
Clarke Halvorson Maffei
Clay Hare Maloney
Cleaver Harman Manzullo
Clyburn Harper Marchant
Coble Hastings (FL) Markey (CO)
Coffman (CO) Hastings (WA) Markey (MA)
Cohen Heinrich Marshall
Cole Hensarling Massa
Conaway Herger Matheson
Connolly (VA) Herseth Sandlin Matsui
Conyers Higgins McCarthy (CA)

McCarthy (NY)	Petri	Sires
McCaul	Pingree (ME)	Skelton
McClintock	Pitts	Slaughter
McCollum	Platts	Smith (NE)
McCotter	Poe (TX)	Smith (NJ)
McDermott	Polis (CO)	Smith (TX)
McGovern	Pomeroy	Smith (WA)
McHenry	Posey	Snyder
McHugh	Price (GA)	Souder
McIntyre	Price (NC)	Space
McKeon	Putnam	Spratt
McMahon	Quigley	Stearns
McMorris	Radanovich	Stupak
Rodgers	Rahall	Sullivan
McNerney	Rangel	Sutton
Meek (FL)	Rehberg	Tanner
Meeks (NY)	Reichert	Tauscher
Melancon	Reyes	Taylor
Mica	Richardson	Teague
Michaud	Rodriguez	Terry
Miller (FL)	Roe (TN)	Thompson (CA)
Miller (MI)	Rogers (AL)	Thompson (MS)
Miller (NC)	Rogers (KY)	Thompson (PA)
Miller, Gary	Rogers (MI)	Thornberry
Miller, George	Rohrabacher	Tiahrt
Minnick	Rooney	Tiberi
Mitchell	Ros-Lehtinen	Titus
Mollohan	Roskam	Tierney
Moore (KS)	Ross	Townsend
Moore (WI)	Rothman (NJ)	Tsongas
Moran (KS)	Roybal-Allard	Turner
Moran (VA)	Royce	Upton
Murphy (CT)	Ruppersberger	Van Hollen
Murphy (NY)	Rush	Visclosky
Murphy, Patrick	Ryan (OH)	Walden
Murphy, Tim	Ryan (WI)	Walz
Murtha	Salazar	Wamp
Myrick	Sanchez, Loretta	Wasserman
Nadler (NY)	Sarbanes	Schultz
Napolitano	Scalise	Waters
Neal (MA)	Schakowsky	Watson
Neugebauer	Schauer	Watt
Nunes	Schiff	Waxman
Nye	Schmidt	Weiner
Oberstar	Schock	Welch
Obey	Schrader	Westmoreland
Olson	Schwartz	Wexler
Olver	Scott (GA)	Whitfield
Ortiz	Scott (VA)	Wilson (OH)
Pallone	Sensenbrenner	Wilson (SC)
Pascarella	Serrano	Wittman
Pastor (AZ)	Sessions	Wolf
Paul	Sestak	Woolsey
Paulsen	Shadegg	Wu
Payne	Shea-Porter	Yarmuth
Pence	Sherman	Young (AK)
Perlmutter	Shinkus	Young (FL)
Perriello	Shuler	
Peters	Shuster	
Peterson	Simpson	

NOT VOTING—11

Barrett (SC)	Delahunt	Stark
Brady (PA)	Heller	Velázquez
Capps	Sánchez, Linda	
Cardoza	T.	
Davis (TN)	Speier	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1449

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. CAPPS. Mr. Speaker, on rollcall No. 272, had I been present, I would have voted "yea."

APPOINTMENT OF MEMBERS TO COMMISSION ON SECURITY AND COOPERATION IN EUROPE

The SPEAKER pro tempore (Mr. CUELLAR). Pursuant to 22 U.S.C. 3003, and the order of the House of January

6, 2009, the Chair announces the Speaker's appointment of the following Members of the House to the Commission on Security and Cooperation in Europe:

Mr. HASTINGS, Florida, co-chairman
Mr. MARKEY, Massachusetts
Ms. SLAUGHTER, New York
Mr. MCINTYRE, North Carolina
Mr. BUTTERFIELD, North Carolina
Mr. SMITH, New Jersey
Mr. ADERHOLT, Alabama
Mr. PITTS, Pennsylvania
Mr. ISSA, California

ENHANCED OVERSIGHT OF STATE AND LOCAL ECONOMIC RECOVERY ACT

(Mr. CONNOLLY of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise to thank my colleagues for favorable consideration of H.R. 2182, the Enhanced Oversight of State and Local Economic Recovery Act. I was pleased to cosponsor this legislation, which was introduced by the chairman of the Oversight and Government Reform Committee.

At a hearing of that committee, we learned that dedicated oversight funding for State and local governments could improve oversight of money appropriated through the American Recovery and Reinvestment Act. Subsequently, I introduced legislation, H.R. 1911, which would provide for that oversight funding within the Recovery Act. H.R. 2182 incorporates the objectives of that bill and will provide additional certainty that money spent through the economic stimulus is spent wisely. This local and State funding represents some of the most important stimulus funding, because it is protecting the jobs of teachers, firefighters, police officers, as well as essential human services, across the country.

I commend Chairman TOWNS for his leadership and commend my colleagues for the passage of H.R. 2182.

DON'T SACRIFICE TWO GOOD-PAYING AMERICAN MANUFACTURING JOBS TO CREATE ONE "GREEN" JOB

(Mr. ROE of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROE of Tennessee. Mr. Speaker, this week the House Democrats on the Energy and Commerce Committee are marking up a more aggressive cap-and-tax bill than what even the President had proposed. On the campaign trail last year, the President said his plan would cause electric rates to skyrocket, and the bill being considered this week will cause electric utilities even more disruption than what the President proposed.

Individuals and businesses everywhere need to start paying attention to the threat this bill poses. The non-

partisan Congressional Budget Office estimated such a plan would increase the average household's electric bill by \$1,600 per year.

Since the bill requires no concessions from developing countries, businesses like Eastman in Kingsport, Tennessee, who are engaged in a tooth-and-nail competition with China, can't pass increased energy costs on to consumers and maintain their market share, which means that employees could lose their jobs if this bill passes.

I urge those on the other side of the aisle not to sacrifice two good-paying American manufacturing jobs to create one "green" job.

PASSAGE OF HELPING FAMILIES SAVE THEIR HOMES ACT

(Ms. MOORE of Wisconsin asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MOORE of Wisconsin. Mr. Speaker, I am so pleased that Senate bill S. 896 included the first major reauthorization of the McKinney-Vento homelessness bill. I have worked diligently on this bill with Representative WATERS for over a year, particularly on provisions that would expand the definition of homelessness and give agencies more flexibility so that they could assist folks who are at risk of becoming homeless within 14 days.

I want to thank Congresswoman WATERS, Congressman FRANK for their leadership, also to thank Representative BIGGERT, Representative JEFF DAVIS and Representative ANDRE CARSON.

Too many families in today's recession are just one paycheck away from making their rent, and we have seen hundreds of thousands of foreclosures, many more expected this year. These families are also at grave risk of becoming homeless.

This provision also will serve victims of domestic violence trying to flee their abusers. It will allow families to seek emergency shelter due to the imminent loss of their housing. It gives local homeless agencies greater resources and flexibility.

REMEMBERING THE LIFE OF COACH CHUCK DALY

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, today I honor a man who held his first position as a head coach at Punxsutawney High School in my district, coaching the Chucks. You will recognize the name of this coach, Chuck Daly, and realize some of his fame came much later when he led the Detroit Pistons to two National Basketball Association titles.

This is a man who was voted one of the 10 greatest coaches of the NBA's first half century in 1996, 2 years after

being inducted into the Basketball Hall of Fame. He was the first basketball coach to win both NBA and Olympic titles, and he led the Dream Team to gold in the 1992 Olympics.

Daly, who died May 9 at the age of 78 in Jupiter, Florida, will be honored by basketball legends and eulogized by members of professional teams.

But in Pennsylvania, we remember that he was born in St. Mary's, Pennsylvania, attended Kane Area High School and Bloomsburg State. We remember that he led Pennsylvania University to a 125–38 record in six seasons.

In short, today we honor a hometown boy.

NEW MILEAGE STANDARDS

(Mr. QUIGLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. QUIGLEY. Mr. Speaker, I wish to thank President Obama for announcing new mileage standards which will reduce carbon emissions 30 percent by 2016 and reduce our dependence on foreign oil.

Another great Chicagoan, Daniel Burnham, once said, "Make no little plans; they have no magic to stir men's blood."

Well, now is the time for us to make big plans on behalf of generations we will never live to see. Now is the time to broaden our attention span beyond the next election cycle. Now is the time to think about those who can't vote yet but will have to breathe the air, drink the water, and pay the debts we leave behind. Now is the time to work together to make big plans on robust climate change based on verification, sustainability, and renewable energy.

As we think about what to do with our time here in Congress, let me leave you with an old Irish blessing: May there be a generation of children, on the children of your children.

GLOBAL WARMING JUST ISN'T PANNING OUT THE WAY THE LEFT THOUGHT IT WOULD BE

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. The icon on the left, Al Gore, spent millions of dollars, of course of other people's money, talking to everybody about global warming. And it was embraced with great passion by the left, global warming, global warming, global warming. But then when their own scientists peeled off and said it doesn't look like it's going to quite trend the way we think it is, what did they do? They pivoted. Well, they just mean climate change in general. I say that as somebody who rode his bike to work today, 49 degrees in the middle of May. I guess the global warming just isn't panning out the way it should be.

But not to be bothered by it, the left is going to continue with their cap-and-tax proposal, reducing emissions to 80 percent of what they were in America in 1910, when we had 92 million Americans. And what's it going to cost you taxpayers? \$1,500 a household, because do you think your good old friendly utility and gas company is just going to absorb this new tax on them? Of course not.

Businesses aren't going to pay taxes over the long run. It's a function of cost, which is going to be passed on to the consumer; \$1,500 per household, and they're going to exclude nuclear energy which is good enough for four out of five houses in France but not here in the Obama administration and the America that they want it to be.

□ 1500

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

FOREIGN NATIONALS IN STATE PRISONS COST TOO MUCH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Mr. Speaker, we have talked a lot about the different entities that don't pay their bills, but the U.S. Federal Government is also a culprit that does not pay its bills. Let me explain.

The 9/11 Families for a Secure America Organization say that 32 percent of all people incarcerated in the United States for crimes other than immigration violations are in the United States illegally! With Texas being a border State, we get a lot more of these criminals in our jails than the rest of the country.

The administration wants to eliminate a program that helps Texas pay for keeping these criminals in jail. It's called the SCAAP program. We have porous borders because the Federal Government does not secure those borders. When a criminal alien sneaks into the United States, commits a crime, the State government must be financially responsible for the capture and trial of that individual, not the Federal Government, even though border security is a Federal responsibility. That forces Texas to foot the bill for their medical care and feeding them and housing them in jail. Sometimes Texas taxpayers are on the hook for paying for their lawyer and other related costs.

The State Criminal Alien Assistance Program, the SCAAP Program, doesn't even come close to covering the cost of keeping these criminal aliens in Texas prisons, but it helps. However, the administration wants to take away what

little the Federal Government does send to Texas and other border States, thus making the cost of border crime the responsibility of State governments rather than the Federal Government.

Texas Governor Rick Perry today sent a letter to the President asking him to reconsider cutting the SCAAP program. As a practical matter, I side with the notion the Federal budget should be cut. There's enough waste in the budget this year to keep the bureaucrats busy for years trying to weed it all out. But this is not an example of wasteful spending, far from it. This expense is because the Federal Government refuses to secure the borders and, thus, border States are stuck with the cost of crime created by foreign nationals and housing them after they are convicted.

The Texas Department of Criminal Justice reports it cost Texas taxpayers \$143 million to keep over 13,000 criminal aliens in Texas prisons just last year. These are major crimes. These are felonies. The SCAAP program the bureaucrats want to eliminate only paid \$18 million of these costs. These criminal aliens serving time in Texas are not there for an overnight stay. They are in prison for violent crimes like rape, murder, kidnapping, and child abuse. Instead of eliminating the Federal program that helps pay for these costs, it ought to be expanded, or the Federal Government should take these prisoners.

Here's an idea. How about we send these criminal aliens to the Federal facility in Gitmo? I hear there may be some room in that facility soon. It's a nice place as far as Federal prisons go. I've been there and have seen it for myself. They play soccer. They have hot meals that are fit for a Sunday dinner table. There's plenty of sunshine and fresh air, quite a step up from the overcrowded prisons in Texas and other border States.

Or we should charge foreign countries the costs of housing their citizens that are illegally in the United States that have committed felonies. If they won't pay up, we can cut off their visas until they do pay up. Or, in most cases, we should just deduct the cost of housing these criminal foreign nationals from the foreign aid we send that country.

State citizens have paid enough to a system that houses foreign nationals in our prisons that have committed crimes in the United States. Foreign countries should pay for the crime of their nationals, or our Federal Government should pay. And since we're strapped right now because of the Federal tax and borrow and spend and spend program, we should even consider deducting our cost of the annual dues to the United Nations to pay for incarceration of foreign nationals that have committed crimes in the United States. Now, there's a plan that might work.

And that's just the way it is.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

WALL STREET ROUND 2: HEARTLAND INDUSTRIALISTS VS. WALL STREET FINANCIERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, who thrust Chrysler into bankruptcy? A few Wall Street investors who wanted more return on their investment as opposed to taking the government's deal.

Who can't get loans to pay their employees or retool their businesses in this new economy? Heartland industrialists.

Throughout our country, and especially in regions where manufacturing built the middle class, the credit crisis has subjugated production to Wall Street financiers. The warning signs were present when the Big Three automakers were changed from production companies to cash cows and transformed into financing companies back in the 1990s.

In Toledo, Ohio, automobile production started 100 years ago when John North Willys bought the Pope Motor Company factory and started turning out automobiles in our region.

When General George Marshall ordered production of a rough-and-ready vehicle for American troops to win World War II, Willys won the competition, and we made hundreds of thousands of Jeeps in Toledo, and we continue to do that today. Toledo workers make the best-known brand in the world.

Control of Chrysler, however, went to Daimler, and then to an uncaring hedge fund known as Cerberus.

Who is Cerberus? No one knows. Worse yet, Cerberus even has a seat on the trust created to handle the United Auto Workers' 55 percent investment in Chrysler. But the UAW doesn't even have a seat, and it's their money.

Wall Street, again, will call the shots, not the people whose money they hold.

By the late 1990s, the auto companies were profitable on paper, but only through their financing arms, because their Wall Street handlers had rigged the Tax Code, through this place, to benefit car leasing, fleet leasing, and financial activities. And you can trace the recent demise of GM and Chrysler, discounting the equally devastating trade and tax policies that bore down on them, to the year that they became financing companies, not production companies.

Wall Street started to accumulate and milk the wealth of these firms. When GMAC became a mortgage lender and sucked into Wall Street's subprime

lending in the late 1990s, then acquired by Cerberus, their fate was sealed. Chrysler Financing is now subsumed under Cerberus, too, as has been GMAC for quite a while.

It is true that the public wanted more energy-efficient vehicles, and the Big Three failed to produce them. However, this goes back to management who were in cahoots with Wall Street and the role of Big Oil.

You can look at all of the green patents that these firms filed, evidence of the industrial people, men and women inside these companies trying to beat back the Wall Street house.

Why, in Europe, are the majority of cars diesel, but not here?

Why, in Brazil, are flex-fuel vehicles made by GM the norm but not here?

I will tell you why. Because lots of people made money off the "gas hog" cars of America. Global oil companies certainly did. And as oil companies merged and went global, many Arab sheiks got filthy rich by recirculating their petro dollars through, guess where, our own Wall Street houses. Their wealth grew so huge they constitute one-seventh of reinvested global capital that today props up our economy.

This goes way back to the time of Richard Nixon and Secretary of State Henry Kissinger, whose secret U.S.-Saudi agreements were signed through the Treasury to denominate Middle East oil sales in dollars, thus assuring petro dollar reinvestment in this country's financial system and saddling the American people with gas hogs for years to come, because gas hogs meant more oil sales. The more oil sold, the more Wall Street got petro dollars to recirculate.

Gradually, we became more and more embroiled in the Middle East, where our troops stand today, over 150,000 of them. And more energy-efficient cars would mean less deployment of U.S. troops to places they shouldn't be in the first place. But Wall Street doesn't like that game. They'd lose too much money and their greed would not be fed.

Beyond diminishing our Nation's innovation, this dependence also wed our country to a diminishing resource found in these unstable, undemocratic nations. For too long, it is has compromised the integrity of the industrial might of regions like I represent in a critical sector of our economy, as well as our defense base.

What great industrial Nation does not have a thriving automotive and vehicular sector?

Wall Street continues to sell out our heartland. Let me repeat that. Wall Street continues to sell out our heartland, sell out our companies, sell out our workers. I hope the American people begin paying attention to whom really has the reins of power in this country, and it's time the American people reassumed that power to themselves.

PANAMA FREE TRADE AGREEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES. Mr. Speaker, I rise today to discuss the proposed United States-Panama Free Trade Agreement.

It is very disappointing to see that the President intends to follow the broken trade agreement of the previous administration by pushing Congress to approve the Panama Free Trade Agreement.

We've had 15 years of the "NAFTA-based" trade model on which the Panama agreement is based, and the results are in. We now have a \$127 billion annual trade deficit with Mexico and the other 15 nations with which we have free trade agreements. Since the passage of NAFTA, the United States has lost over 4.5 million manufacturing jobs, over 364,000 in my home State of North Carolina alone.

We're in the worst recession since the Great Depression. Unemployment is rising and may soon be over 10 percent. The last thing this country needs is another free trade agreement that will cause more good-paying American jobs to be outsourced. But sadly, that's exactly what the Panama agreement will do.

Why is that the case? One of the primary reasons is because the deal fails to level the playing field for U.S. producers. Let me give you one product as an example: seafood.

One of the biggest industries in my district is commercial fishing. The sector has been hammered by a flood of imports from overseas, including Panama. Panama's number one export to the United States is fish and seafood. They export over \$100 million worth of fish and seafood to the United States each year. That's more than 50 times the amount that the United States exports to Panama. Their top exports include products that compete with seafood caught by North Carolina fishermen, including shrimp and yellow fin tuna.

With the Panamanians already having a huge advantage over United States fishermen in terms of balance of trade, one would think that the least that the United States negotiators could insist upon would be a level playing field so that our fishermen could have the same ability to access the Panamanian market as their fishermen have to our markets. Sadly, that is not the case.

According to the United States International Trade Administration, "while 100 percent of U.S. imports from Panama will receive duty-free treatment immediately upon implementation of the agreement, only 82 percent of U.S. exports to Panama will receive duty-free treatment immediately upon implementation." Duties on most of the remaining 18 percent of U.S. exports to Panama would not be eliminated for 10 years.

Now, how is that a level playing field? The simple answer is it is not a level playing field, and the unfortunate result of provisions like this would be the loss of even more United States jobs.

Mr. Speaker, poorly negotiated trade deals with Panama are one of the main reasons our country finds its production base shriveling, our unemployment rolls rising, and our economy in shambles.

Passing this agreement is bad for America, especially at this perilous economic time, and I would encourage this administration to rethink its position before it asks Congress to approve this Panamanian trade agreement.

Mr. Speaker, with that, before I close, I do want to ask God to continue to bless our men and women in uniform in Afghanistan and Iraq. I want to ask God to please bless the families who have given a child dying for freedom in Afghanistan and Iraq. And I close by asking God to give wisdom and strength to the President of the United States. And I ask God to continue to bless America.

□ 1515

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WATSON) is recognized for 5 minutes.

(Ms. WATSON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. MCHENRY) is recognized for 5 minutes.

(Mr. MCHENRY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

CURRENT CONDITIONS OR JUST A BAD DREAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Could it all be a bad dream, or a nightmare? Is it my imagination, or have we lost our minds? It's surreal; it's just not believable. A grand absurdity; a great deception, a delusion of momentous proportions; based on preposterous notions; and on ideas whose time should never have come; simplicity grossly distorted and complicated; insanity passed off as logic; grandiose schemes built on falsehoods with the morality of Ponzi and Madoff; evil described as virtue; ignorance pawned off as wisdom; destruction and impoverishment in the name of humanitarianism; violence, the tool of change; preventive wars used as the road to peace; tolerance delivered by government guns; reactionary views in the guise of progress; an empire replacing the Republic; slavery sold as liberty; excellence and virtue traded for

mediocracy; socialism to save capitalism; a government out of control, unrestrained by the Constitution, the rule of law, or morality; bickering over petty politics as we collapse into chaos; the philosophy that destroys us is not even defined.

We have broken from reality—a psychotic Nation. Ignorance with a pretense of knowledge replacing wisdom. Money does not grow on trees, nor does prosperity come from a government printing press or escalating deficits.

We're now in the midst of unlimited spending of the people's money, exorbitant taxation, deficits of trillions of dollars—spent on a failed welfare/warfare state; an epidemic of cronyism; unlimited supplies of paper money equated with wealth.

A central bank that deliberately destroys the value of the currency in secrecy, without restraint, without nary a whimper. Yet, cheered on by the pseudo-capitalists of Wall Street, the military industrial complex, and Detroit.

We police our world empire with troops on 700 bases and in 130 countries around the world. A dangerous war now spreads throughout the Middle East and Central Asia. Thousands of innocent people being killed, as we become known as the torturers of the 21st century.

We assume that by keeping the already-known torture pictures from the public's eye, we will be remembered only as a generous and good people. If our enemies want to attack us only because we are free and rich, proof of torture would be irrelevant.

The sad part of all this is that we have forgotten what made America great, good, and prosperous. We need to quickly refresh our memories and once again reinvigorate our love, understanding, and confidence in liberty. The status quo cannot be maintained, considering the current conditions. Violence and lost liberty will result without some revolutionary thinking.

We must escape from the madness of crowds now gathering. The good news is the reversal is achievable through peaceful and intellectual means and, fortunately, the number of those who care are growing exponentially.

Of course, it could all be a bad dream, a nightmare, and that I'm seriously mistaken, overreacting, and that my worries are unfounded. I hope so. But just in case, we ought to prepare ourselves for revolutionary changes in the not-too-distant future.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

SECRET BALLOT

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. The secret ballot is fundamental to free and fair elections—and they're the hallmark of the democratic process. Most every time Americans go to the polls to vote, they do so by the means of a secret ballot. Secret ballots protect the voter's privacy and allow the individual to vote his or her conscience without fear of reprisal from those who disagree with the voter's decision.

As a Nation, we celebrate when the citizens of other countries who were previously denied to vote in free and fair elections are finally able to do so. We watched with pride several years ago as Iraqis braved terrorist threats to cast their vote by secret ballot.

Mr. Speaker, if the secret ballot is used by Americans in local, State, and Federal elections, if the secret ballot is used by citizens of other nations for which American soldiers have sacrificed, don't American workers also deserve this fundamental right?

If you can ask Kansans, they will say, Yes, workers do deserve the right to a secret ballot election. A recent poll found that 65 percent of Kansans surveyed believe that the secret ballot should remain in use for union organizing.

Yet, despite the centrality of the secret ballot to our conception of fairness and public support for its use, many in Congress are pushing for the passage of legislation that would do away with this longstanding principle. In its place, the Employee Free Choice Act would allow unions to form if a majority of workers signed authorization cards—a process known as “card check.”

Without giving workers the protection of a secret ballot, each person's choice would be known to others. It is not unreasonable to believe that those who choose not to sign authorization cards would be subject to intimidation and coercion.

While this should be reason enough to defeat the Employee Free Choice Act, the legislation is further flawed. Provisions within the legislation require a mandatory arbitration process that would allow the Federal Government to dictate contract terms on businesses if a first contract is not agreed to within 120 days. The contract would be binding for 2 years and would cover decisions that are best left to company leaders that understand the specifics of that business and are most familiar with the competitive forces that the business faces.

In these difficult economic times, the government-imposed and -written contracts would have an especially devastating impact on businesses that would further delay our economic recovery. Allowing the government to impose contracts on private firms and their workers would effectively allow the government to pick winners and losers in the marketplace.

The Employee Free Choice Act is bad for workers and bad for the economy.

Congress should reject this legislation and refocus its effort on initiatives that would protect the rights and privacy of American workers and strengthen the economy by creating conditions in which businesses can grow, prosper, and create jobs.

60TH ANNIVERSARY OF THE BERLIN AIRLIFT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. FORTENBERRY) is recognized for 5 minutes.

Mr. FORTENBERRY. Mr. Speaker, 60 years ago, the United States embarked on a crucial operation to sustain and defend a vulnerable entrapped people. The Berlin Airlift was a colossal strategic mission that encouraged strength and fortitude in those held captive in Berlin. Today, we honor those who designed and participated in this feat.

These brave veterans struck the first major blow in the new Cold War, forcing Stalin to lift the blockade that impoverished Germany's capitol, and thwarting the Iron Curtain's fall over the Western strongholds. The efforts of these airmen embody the highest virtues of American air defense, as they fused tactical brilliance, along with innovation and with goodness in heart, in what is seen as one of the greatest American humanitarian efforts of all time.

Our veterans provided food, coal, and medical supplies to the besieged citizens of West Berlin each day, living up to the spirit of the Greatest Generation. They led a seminal goodwill offensive that succeeded in alleviating the suffering inflicted by Stalin's regime that threatened the peace and prosperity of all those in Berlin, East Germany, as well as throughout the world.

Some creative and generous pilots even found a heartwarming way to connect with the children of Berlin during those airlifts. As they carpeted the streets of Berlin with chocolates and candy, they drew the hearts and minds of many children to goodness and liberty rather than the pervasive Communist propaganda that sought to turn them against the West.

The goodwill of this so-called "Operation Little Vittles" has carried forward to the streets of Baghdad today, where many of our soldiers relish opportunities to brighten the lives of Iraqi children as well.

As we celebrate the 60th anniversary of the Berlin Airlift, let us remember the veterans who exemplified our highest ideals of brilliance and innovation in air defense, and whose integrity and dedication to liberty have inspired so many vulnerable people throughout the world. Their example renews our faith in the power of freedom and goodness to prevail over tyranny.

Mr. Speaker, as the memories of World War II and the Berlin blockade fade with the passing years, I believe it

is even more important to commemorate the spirit of kindness that led our veterans to bring hope and to bring joy to the weary and beleaguered city of Berlin.

Mr. Speaker, a congressional resolution has been introduced to honor their legacy. I'm grateful for this opportunity to celebrate this noble endeavor, and I ask my colleagues to please join me in remembering and thanking those who served 60 years ago in the Berlin Airlift.

NATIONAL ENERGY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. As the summer months quickly approach and families start to plan vacations, our country continues to struggle with high energy costs. That is why the Democrats' cap-and-trade, or better known as cap-and-tax, energy plan is an irresponsible proposal that will do more harm than good. The simple truth behind the Democrats' energy plan is that it raises taxes, kills jobs, and will lead to more government intrusion in our lives.

The Democrats' energy plan is really a \$624 billion national energy tax that will hit nearly every American family. This new national energy tax will be paid by anyone who turns on a light switch or plugs in an appliance.

With Democrats still hiding many of the important details of their energy plan, a study that looked at a similar proposal estimated that the impact will be roughly \$3,100 every American household will have to pay to the Federal Government.

Also disappointing is the fact that the Democrats' national energy tax will hit the poor the hardest. Experts agree that lower-income individuals spend a greater share of their income on energy consumption. So while every American will be paying more for energy, low-income households already living on the edge of desperation will be hurt even more.

The truth is President Obama is aware of the impact his energy plan will have on American families. While still a candidate for President, then-Senator Obama said that under his cap-and-tax plan, utility rates would necessarily skyrocket and said that those costs would be passed along to consumers.

The impact of this national energy tax will not only be seen in home utility bills or at the pump, but various estimates suggest that anywhere from 1.8 million to 7 million Americans could lose their jobs as well.

Though the President is promoting green jobs that may be created by his cap-and-tax plan, any new jobs created will not come close to compensating for those lost to this reckless energy policy.

We have no greater example of the devastation the cap-and-tax system

can have on an economy than Spain. After years of promoting green jobs, Spain has the highest unemployment rate in Europe, standing at a whopping 17.5 percent.

□ 1530

Cap-and-tax has sought to be an environmentally friendly plan. The truth is that it will relocate manufacturing plants overseas to countries with far less stringent environmental regulations, in turn trading pollution to another part of the world.

Republicans are for clean air, clean water and are committed to solving our energy crisis. Republicans believe there is a better way to achieve energy independence without destroying our economy and killing jobs.

THE IMPACT OF CAP-AND-TRADE ON MANUFACTURERS USING COAL-GENERATED ENERGY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Ohio (Mr. LATTA) is recognized for 60 minutes as the designee of the minority leader.

Mr. LATTA. Thank you, Mr. Speaker. I appreciate the opportunity to have this hour with my colleagues to talk about a very, very important issue facing this country.

The issue that's facing this Congress is cap-and-tax. Why is it important? Well, as you can see from this chart right here, Cap-and-Tax Vulnerability by State. I'm from Ohio. I represent the largest manufacturing district in the State of Ohio as well as representing the largest agricultural district in the State of Ohio.

If you see from this map where it says, the vulnerability key from high, medium and low, you will see that Ohio, along with a good part of the Midwest, is all facing a very, very tough time under this proposal.

At the same time I know when I am back home, I talk to the folks; and they say, Well, who's proposing this? I say, If you look from California to Washington. You go from Washington, D.C., up the coast to Maine, that's where it is. You look at that—very low vulnerability. That concerns me. It concerns me because, as I said, manufacturing is the lifeblood in my district. I would like to talk about it for just a few minutes.

First, every week I go out in my district. I go out in that district, and I go into plants. We manufacture everything from car parts, to batteries, to windshields, to washing machines. You name it, we make it.

My district, when people say, What's your largest city? It's my hometown of about 30,000 people. So over 140 miles east to west we have a lot of small manufacturers out there. We have large manufacturers. We have a large General Motors power train plant. When you keep going across, you have a Chrysler plant. We have a furniture

manufacturing plant. As I mentioned, we have a washing machine plant.

We go across it, and then we have a lot of smaller ones. We have plants that might employ 50, 100 people. But those are the folks that make this economy run because small business is the main economic engine for this country.

So when I see things like this where you look at the vulnerability, I see that right off the bat, we're in trouble. But we're also in trouble because Ohio, being a large manufacturing State in total, we have another situation out there. And that situation is this: When you look at the plants that we've had, we've had to grow, as our former Governor and now Senator GEORGE VOINOVICH used to always tell us when we were in the legislature together, that we had to work harder and smarter in the State of Ohio.

Well, a lot of factories are that way now. They don't employ as many people. But at the same time, we have watched a lot of these plants, because of the economic downturn, having to lay people off. Every week I go out into these plants. I remember one not too long ago I went into the plant, and they said, We'd like to take you in the back. They usually had around 180 employees. They said, We're down to about 70. They said, We make brass fittings; and with those brass fittings, they're in competition against the world. And of course that means the Chinese right now. They said, It costs us X number of dollars to make this product, and at the same time the Chinese can make it for 45 cents.

They can't have any more impact on them, especially if we're going to raise the price of energy. We can't have a national energy tax because if we do that, these companies are going to shut down, and they're never going to open up again.

Back in 1982 we were coming out of that recession that started back in the Carter years when—you might all remember—we had 21.5 percent interest rates, double-digit inflation, double-digit unemployment rates. It was tough; but people still thought, When this thing's over, those factories are going to open up. I'm going to have my job back. Not so today. Not so today because when people start looking around—and we're in a global economy.

I was a county commissioner of Wood County for 6 years. We used to compete against some parts of Ohio and over in Indiana and Michigan, but now we're competing against people on the other side of the globe, and they're going to eat our lunch if we're not careful.

When we have these situations, like I said, that you go into these plants, and these folks are saying, We can't have one more increase or we're out of business, they mean it.

Then the question is going to be when they come to me and say, Well, where am I going to get a job? Or like last weekend I spoke to a commencement address. I asked them beforehand,

I said, Just out of curiosity, what would you like me to talk about? They said, What we'd really like you to talk about is telling our graduates what you're working on, what you're helping to try to do to make sure that—where we are going be when we come out of this tough economic situation that we're in. So you have to start these things off by saying, You know, I'm not going to paint you any kind of a rose-colored picture here.

If we work hard and we do the right things here in Congress, we're going to survive. But if we pass the wrong pieces of legislation, I can't go back to that same college in a couple of years and look at those next graduates coming up and say, You know what, you're going to have a job, because they might not. So what we have to do is think about these things.

Just to show you on another chart something that the Heritage Foundation put together, they took all 435 congressional districts. What they did was, they put together a manufacturing vulnerability index. They took what your State's percentage of energy usage from coal was, and then they took from each district the number of manufacturing jobs.

This is one of the times you don't want to be at the top of the list. My good friend from Indiana, who will be on in a couple minutes here, unfortunately ranks number one in vulnerability in this country because of the number of manufacturing jobs and coal generation in the State of Indiana. I'm number three because I have 80,623 manufacturing jobs, and we get 87.2 percent of our energy from coal. You put those two things together, and my manufacturing vulnerability index percentile rank is at 99.5 percent, which puts you at three.

When I go across my district, I can't go out there and say, Things are just fantastic. I'm telling them, Right now I want to try to keep you in business, but I will tell you, if we start passing these bills in this Congress to put a national energy tax on you, you're in trouble. And not only are you in trouble, but every generation coming up in Ohio is in trouble because these jobs aren't going to come back. These jobs are not going to come back.

When you look, as I said, from 1982 when people thought, Well, we are going to come back. Why? Because the United States was at the top of the heap. Today the Chinese have become, in 2009, the number one manufacturing country in the world. We got knocked off after over 100 years being on top. Not anymore. That's why we have to start thinking about our future. When you talk about what the folks want to do here, they need to look around the world a little bit.

Not too long ago in the Washington Times there was an interesting article. The headline was Chinese Official Aims Emissions Cost At Consumers. The folks here in Congress are saying, Well, it's not fair if we do all these things.

We need to have the rest of the world cooperate with us. Well, guess what. Let me just read you one quote. This is from their lead climate negotiator in China who said this:

"As one of the developing countries, we are at the low end of the production line for the global economy. We produce products, and these products are consumed by other countries. This share of emissions should be taken by the consumer, not the producer."

Interesting philosophy. They can produce it, but they're not going to pay anything for it. They want us, for consuming it, to pay that cost. But at the same time in this country what we're going to be doing is we're going to be paying on both ends because we're going to be paying to produce it. It's going to be very difficult for these manufacturing jobs in States like Ohio and Indiana to stay in one spot.

The one thing would be that they might say, We're going to leave and go to another State. But I've already had companies that are multinational say, You know what, we don't even have to be in Ohio. We don't have to be in the United States. We'll just produce it in another country. That's where we are. And I'll tell you what, the future is very bleak if we start looking at these things.

Last summer we talked about an all-of-the-above energy plan for this country, and the American people got it. Because first of all, the American people went to the gas station, and they saw, like in Bowling Green, Ohio, \$4.19 for a gallon of gasoline. People understood right off the bat what was happening. But sometimes when they hear about cap-and-tax, cap-and-trade they say, Well, we're not really sure what that is. But it will affect everybody immediately when this thing starts.

Let me give you a couple of statistics here from a Heritage Foundation report. This is about the negative impacts on consumers. This is from the Heritage Foundation. By 2035 this legislation would, one, reduce the aggregate gross domestic product by \$9.6 trillion, destroy 1.1 million jobs per year on average with the peak year seeing unemployment rise by over 2.5 million jobs, increase the average family cost of four by \$4,800 a year, raise electricity rates by 90 percent, raise residential natural gas prices by 55 percent, and increase inflation-adjusted Federal debt by 26 percent or an additional \$29,150 per person after adjusting for inflation. That's what this cap-and-tax, this national energy tax is going to get us. This is a massive tax. We can't afford it.

Going back to this chart, when you look at the States that are using a lot of coal and you have a lot of manufacturing in your district, well, we can't take it.

Now, let's go to the bottom of the chart. For those that are in favor of it, you look at their percentile rank. Zero. Well, that's out in California. Very little manufacturing. When you look at

the number of manufacturing jobs in the bottom four of California, you've got 15,500 and 19,000 manufacturing jobs in a congressional district. Again, compare that with Indiana 3, which has almost 104,000 manufacturing jobs, you wonder why we're concerned about this in the Midwest. You wonder why we're concerned about this when we talk about making sure that our people have jobs in the future.

Let's think about the tax bases out there. We've got areas in the State of Ohio that are going to be devastated when you take these kinds of numbers, and we're not going to have these jobs anymore. What's going to happen to the local school districts? What's going to happen to the municipalities? What's going to happen to the fire departments? Everything? They're all going to be affected. So again, we can't afford this, and it's a tax on the American people. It is a loss of jobs that we can't afford in this country.

At this time I would like to recognize some of the other Members today that are here. My good friend, the gentlelady from Oklahoma, who I would like to recognize at this time.

Ms. FALLIN. Mr. Speaker, I want to thank Congressman LATTA for leading this special hour tonight on a very important topic to our Nation.

When I go back to my home State of Oklahoma almost every weekend, I hear a couple of things from my constituents back home. First of all, they are very concerned about our economy. They want to know that they will be able to keep their jobs, be able to have a salary, make their house payment, pay their bills, take care of their families; and they want to know their taxes are going to be kept low. They want us here in Washington, D.C., to be a part of the solution, not a part of the problem.

The second thing I hear back home in Oklahoma is that people talk a lot about expenses and about the cost of living going up and how concerned they are with all the spending that is going on here in Washington, D.C., about the costs to their families and the costs to their businesses.

Many of them say to me, Please don't let our gas prices go up like they did last summer to \$4 a gallon. We can't afford that anymore for either our families or even our businesses. They say, Please don't let my utility costs go up. We're hearing with cap-and-trade, cap-and-tax, that our utility costs could go up by 30 percent and I'm on a fixed number or I'm a lower income person, and I can't take a 30 percent increase in my utility costs.

□ 1545

They say things like, please don't let my businesses have more operating costs. Or please don't raise my gasoline prices because I won't be able to take my kids to school as freely as I had been able to.

And so as we begin and have this debate about cap-and-trade, controlling

carbon emissions and about what we call the "cap-and-tax," I feel that the Democrat national energy tax would harm all these things that people are concerned about. Experts estimate that cap-and-trade, cap-and-tax, as I said, would raise utilities costs and would raise costs on families to an estimated cost increase of around \$3,100 per family. A recent report by the U.S. Chamber of Commerce and the National Association of Manufacturers says the new energy tax would also cost the United States 3.2 million jobs at a time when we already have a high unemployment rate throughout our Nation. And this means that the future of manufacturing, the future of jobs in our Nation, would be at stake, and especially at a time when we cannot afford, as a Nation, to make the wrong policy decision that could further hurt our national economy.

A strong manufacturing base is very vital to our economy and our security as a Nation depends on our having a strong manufacturing base and a strong economy. Many of us believe that we have are losing ground to other foreign countries when it comes to competing for products, production and also for market share.

I saw a recent report by the Industrial Energy Consumers of America, and they said that from 2000 to 2008, imports were up 29 percent, and manufacturing employment fell 22 percent, a loss of 3.8 million high-paying jobs. And they said of great concern is that manufacturing investment in the United States, as a percent of gross domestic product, has been on the decline since the late 1990s.

Two-thirds of our world's pollution comes from other countries who won't be under a cap-and-trade type piece of legislation, two-thirds of the pollution in our world. But yet here in the United States we are talking about a plan that would affect our business sector because of the climate control legislation. Now we all want to do all that we can to keep our air clean, our land clean and our water clean. That is a very important goal for all of us. But not at the cost of risking our national security or even our national economy.

We know that the Democrat solution is an energy tax. And we know it won't work. The United States might cap and tax its carbon emissions, but countries like China and India would never agree to restrictions that are so economically destructive. And the result would be, for the United States, more outsourcing of good jobs to other countries at the worst possible time when, as I said, unemployment is at 9 percent.

Cap-and-trade is nothing more than a national energy tax. And its effects would be far reaching to businesses, consumers and even more so to rural America. Rural areas will be hit hardest by energy taxes. Americans in rural areas must travel further for routine errands, in fact, about 25 percent more miles than urban households, according

to a recent Federal highway data study.

Higher gasoline prices may not be the end of the world if you are taking a subway in a major metropolitan city like here in Washington, D.C., but higher gasoline prices are a big deal in small towns like I grew up in, like Tecumseh, Oklahoma, especially when you have to commute long distances to work. The numbers back that up. Rural households spend 58 percent more of fuel than urban residents as a percentage of their income.

And then you look at another important industry in rural America, and that is agriculture. And agriculture is a bull's eye industry for energy tax because it is energy intensive. Whether it is the fuel for a tractor or fertilizer for the crops or delivery of food to a local grocery store, agriculture uses a great deal of energy production. Small businesses and American jobs are also a target of the cap-and-trade, cap-and-tax system. A recent report from the U.S. Chamber of Commerce and the National Association of Manufacturers and other business groups states that President Obama's budget proposal to reduce greenhouse gas emissions would result in a net loss of jobs in our economy of 3.2 million and would shrink our household purchasing power by \$2,100. And while protecting our environment is a worthwhile effort, and we are all for that, I cannot support legislation that does nothing but levy taxes on small business, on rural America, on families and on those who are on limited resources and raises just higher energy taxes.

If you want a real solution to climate change, then we should focus on incentives. We should focus on innovation, research and letting the free-market system work. And yes, Republicans do have a plan that would support energy production and also support clean energy, an all-of-the-above energy plan. We support production of clean natural gas, wind power, solar power, nuclear power as well as the traditional fossil fuels. We, as Republicans, have our eye on the future, and we know that the United States doesn't have an unlimited reserve of fossil fuels, and we understand we need to pursue other energy sources, energy diversity. But Republicans also understand that we can't get this overnight by pursuing a series of damaging tax increases.

And Congressman LATTA, I will yield back my time for further discussion on this issue.

Mr. LATTA. Thank you very much. I appreciate that. You have brought up some very good points, especially when you are talking about rural America. I know in my district when I go in the plants, one of the questions I always like to ask is how many folks have driven X number of miles? It is nothing for people in my district to drive 30 to 50 miles one way to go to manufacturing jobs. If those manufacturing jobs are not there or the cost of fuel is too high, they can't get there. That is

an excellent point. I'm glad you brought that up.

Ms. FALLIN. Thank you.

Mr. LATTA. At this time, I would like to call on and yield to a good friend of mine from Ohio, the gentleman just to my south. Good afternoon.

Mr. AUSTRIA. I thank the gentleman for yielding. And I want to thank the gentlewoman from Oklahoma for putting things in perspective. I think you did a very good job of laying things out. It certainly applies to Ohio. And to the gentleman from Ohio (Mr. LATTA), thank you for your work in Ohio. I have had an opportunity to serve with you for 10 years in the State legislature. Together we worked on some good things to move our State forward, comprehensive tax reform that lowered income taxes for families and small businesses. We helped to make Ohio more business friendly, especially in the manufacturing industry, by phasing out tangible personal property tax and corporate franchise tax.

When we look at the proposals before Congress today, this cap-and-trade proposal, on the surface, it sounds harmless. But it isn't. It is not, for the reasons that the gentlelady from Oklahoma just talked about. It hurts Ohioans as far as jobs, as far as businesses, and it is not a good thing. This proposal is going to increase the price of the cost of energy and the price for anyone who turns on a TV or fills up their gas tank or turns on the heat in the winter. Their cost of energy is going to go up.

The Congressional Budget Office, in the initial proposal that was brought forth by this administration, estimated that the cost of energy in the average household will go up approximately \$1,600 per year. We have seen figures as high as \$3,000 per year by MIT and other credible organizations that are following this very closely. So the cost of energy is going to go up on not just Ohioans, but all Americans.

And I think at a time when we are struggling economically, we are going through an economic crisis, it is not the time to be raising the cost of energy on families and small businesses like we are going to be doing with cap-and-trade if this moves forward.

Let me also point out the fact in our State, in Ohio, as in many other States, in Ohio, manufacturing and agriculture are the two top industries in our State and will get hit the hardest with cap-and-trade. As was just mentioned by the previous speaker, manufacturing jobs will be at stake. American companies will be less competitive internationally against other countries that will not be playing by the same rules, that will not have the same regulations on them like China and India, and will put them at a disadvantage from a competitive standpoint. That in turn is going to cost jobs.

Ohio, again, as in many of the other Midwest States across our country that

are heavily into manufacturing, is going to get hit the hardest by this. And this is not a good thing for that industry, as well as the agriculture industry, as was just mentioned, which relies heavily on fuels for tractors, for transporting crops and going to the store and so forth. So it is going to increase the costs of energy as well as hurting those who are trying to do business in the State of Ohio as well as job loss.

I also want to point out one other factor for our State, which I know is very diversified from State to State, on the chart that you put up previously. In the State of Ohio, 87 percent of our fuel, of our energy comes from coal. And coal will be hit directly by the cap-and-trade. It is going to put mandates on undeveloped technologies for coal-fired plants. In some cases, coal-fired plants may not even be able to comply with this, and they may have to close down. And that too could cost jobs in the State of Ohio.

So when you look at the cap-and-trade and the way this is put together, it should be called a "cap-and-tax" as many of the other Members had mentioned because, Mr. Speaker, I think clearly this is a cost that is being passed on to every American.

And Republicans, as was mentioned, do have an alternative. I think we all want to see cleaner energy. We all want to see more efficient energy. But we do have an alternative plan that is out there that will have less reliance on foreign oil, that would look at the resources that we have available in this country, that would help us produce and make us more energy independent, give us more energy independence with increased exploration and development of new and renewable energy sources, to help promote alternative forms of energy like solar, like wind and other alternative sources of energy that are out there. So we do have an alternative way to get to where we want to go.

Again, I think the cap-and-trade doesn't make sense for Ohio, and it is going to cost jobs. It is going to put an increase in the cost of energy for all Americans. And I think we can do a better job and have a better alternative out there that we should be pursuing.

And I thank the gentleman from Ohio for yielding.

Mr. LATTA. I appreciate your being here. And you bring up an excellent point when you talk about jobs disappearing. Last summer, I was number 9 in the list the National Manufacturers Association puts out. I was number 9 in the United States in manufacturing jobs out of 435 districts. Earlier this year, I dropped to 13 already. And we are watching those jobs disappear from across Ohio and across this country. And you are absolutely right. We have a massive national energy tax. Those jobs aren't going to stay. They can't compete. And they are gone. So that is an excellent point. Thank you very much. I appreciate it.

At this time, I would also like to introduce my good friend from Illinois who also represents manufacturing and what it can do to his State and also across the Midwest.

Mr. MANZULLO. Mr. Chairman, the person who has been forgotten in all the debate that has been happening is the American worker. I can remember when I was a little kid, my dad used to pack his lunch box, a black tin box with a round top, with a salami sandwich, a piece of fruit and a thermos of coffee, as he would rise early in the morning, go off to work at the factory, and come back with a sense of satisfaction that he had made something with his hands.

And that perhaps is the emblem of the American worker, somebody who actually worked in a factory and then became a master meat cutter in his grocery store, master restaurateur, and at the same time was an expert carpenter and cabinetmaker. He was a person who could do marvelous things with the hands that God gave him.

That perhaps also is the picture of the American that we are not examining as we take a look at this entire cap-and-trade system. Because after all, it is the American worker who is going to be disadvantaged in many ways because of this theory that the majority wants to impose upon the American family, which according to the nonpartisan Congressional Budget Office, would spike the cost of energy for the average American family of somewhere between \$700 and \$2,200 a year. So we start with the fact that the American worker is going to be paying a lot more for his or her energy at home before he leaves and goes off to the factory.

Once he gets to the factory, exactly what is going to happen? Well, the factory is already under tremendous competition, competition domestically because of high productivity of the American manufacturers and competition because of offshore, because of countries that don't have OSHA standards, that have very few environmental standards, who care less about the safety of the worker and more about shipping that product to the United States.

□ 1600

So we start with the distinct disadvantage already in the manufacturing sector. How much more can the American worker take? How much more can the owner of that factory take?

I assembled this past week—in fact, yesterday—in the congressional district that I represent, a congressional district that has in its largest county an over 25 percent manufacturing base—55 or 60 small manufacturers. I laid out to them this cap-and-trade system and exactly what it would mean to them as manufacturers. The looks upon their faces were nothing less than startling because we start with the proposition that 535 people in Washington, D.C., suddenly wake up in

the morning and decide, well, America should go into the green business, that America should get involved in the energy-saving business as if the American manufacturer and his worker have been on the sidelines, doing nothing.

You have great manufacturers out there, like the Perks family from Rockford, Illinois. The Perks family has been around for three generations now, involved in combustible burners. Their goal has always been to make the most efficient combustible burner possible, and they lead the world in that technology. They just didn't wake up one morning and say, "We should start saving energy." That's what productivity is all about. That's what the American manufacturer is all about—to be giving him and the small inventor the opportunity to be able to go out and to make products—to make them run faster, quicker, and leaner.

The Federal Government didn't invent the term "lean manufacturing." The Federal Government didn't come up with ISO standards of excellence and productivity. The Federal Government does more to hinder the innovation ability and the productivity and the energy savings of the American manufacturer than it does to help them out. Take, for example, all of the American machinery in Harvard, Illinois. There is an extraordinary patent on being able to run hydraulics on an as per unit. It gives a shot of power to move that hydraulic pump, and then the unit shuts off, saving between 60 to 80 percent of the energy costs versus a machine that runs all the time.

No one in Washington called the people back home in Harvard, Illinois, and said, We have this great idea for you. The people in Washington are calling the people whom I represent and are saying, I've got news for you. I don't have new innovations for you. I don't have new technologies for you. I have a new task that's going to make you less competitive with the world, the so-called "cap-and-trade tax," because the people in this body and in the other body are going to say that we are manufacturers and that we know everything about manufacturing as we sit here in our pin-striped suits and don't even know what the sweet smell of machine oil is because most of them have never been in a factory in their lives. They're going to tell our American manufacturers how to run their factories.

As I talked to our American manufacturers yesterday, 55 or 60 of them, several have places where they're already manufacturing for domestic consumption in China and in Mexico. Their faces spoke the results. If it's going to become so much more expensive to manufacture in the United States, we'll just do more manufacturing in Mexico and in China. Do you know what, Mr. Speaker? The cost of shipping finished items from China to the United States will be less than the cost of the increase in power for people to make their products under the new

cap-and-trade bill. This is absolute lunacy to be able to subject the American manufacturer and the worker to this, the worker who gets up at the crack of dawn every morning, who packs his lunch box and goes off to work and gets in his old car and puts in 8 or 10 or 12 hours a day, working to support his family, working to get the kids through college, working to pay the mortgage. All of a sudden, Congress says, You don't know what you're doing. You don't know how to run your factory.

All we have to do is look at what happened in Europe. Look at the famous cap-and-trade system in Europe. Now, I don't usually look to the Europeans for examples except when they fail. In this case, the cap-and-trade system, Mr. Speaker, has been a complete and total failure. Why is that? Well, it's because you go across the Strait of Gibraltar, into Morocco and northern Africa, and you see countries that are not locked into the same type of system of control emissions. In fact, Kollo Holding in the Netherlands makes a silicon carbide. According to an article in *The Washington Post*, it's used as an industrial abrasive. It's the finest factory that you could find, the best in ecological construction, the finest in meeting the most stringent requirements to reduce the emissions of carbon. They're in big trouble, huge trouble, because right across in Morocco you will find a competitor—and in China—that can make it cheaper and that can ship it to Europe.

So what happens to the brave soul in Europe who complies with their ill-fated cap-and-trade system? He'll probably go out of business. That's exactly what happens. What's going to happen to the United States? There will be a southern movement to Mexico as American manufacturers will be making more of their products in Mexico and shipping it across the border because it will be a lot cheaper as they won't be sacked with a cap-and-trade system.

If you take a look at the Government Accountability Office report of December of 2008, this is their own organization that sets up standards by which to make measurements of efficiencies in different programs. The Government Accountability Office says there are better, less expensive and more direct methods to accomplish the goal of reducing emissions. Well, that's interesting. What are those? Well, perhaps someone ought to take a look at what the American manufacturer is already doing. You can go to a Danish manufacturer in Rockford, Illinois, called Danfoss. Danfoss makes these machines that hook onto another machine. The Danfoss machine, Mr. Speaker, measures the exact amount of energy necessary in order to run the machine right down to the lowest fraction of electrical unit required. It is highly efficient.

No one from Washington called the Danfoss engineers and said, We have an

idea for you. We, in Congress, wear pin-striped suits, and we can tell you how to run your manufacturing facility. No one called the city of Rockford years ago and said, We've got a great plan for you where you could take the sewage that you have in the city, turn it into methane and run three turbines so you could help the electrical grid, and there would be many fewer carbons going into the air.

Mr. Speaker, Washington has no news for the American manufacturer or for the American worker except bad news. That's why we have to defeat this. We already have a lot of plans in place. One is the Republican alternative, and that's the one that rewards ingenuity. It makes it a lot easier for people to change to the latest techniques, to scrub the air, to scrub the environment. It just amazes me. It totally amazes me.

We are in Rockford, Illinois, where there is close to 14 percent unemployment. It's the same in Belvidere, Illinois. Our Chrysler plant is closed for 60 days. Chrysler is in bankruptcy. We've gone from 16 million cars sold 2 years ago to 8 million cars sold this year. On top of all of the problems that manufacturing is having, now we need one more—one more regulation, one more requirement, one more chop on the block of the American manufacturer.

It's time to say "no" to this big government that thinks it knows best. It's time to say "no" to Washington that thinks it has all of the answers. It's time to say "yes" to the American worker, "yes" to the little inventor, "yes" to the American manufacturer—the people who made things with their hands, the people who created all the wealth in the world, the leaders in technology, the leaders in ingenuity—not with the help of government but with the help of their own minds and their own hands.

Mr. LATTA. Well, I thank the gentleman, and he is absolutely correct. When you look at these margins that these companies are working with today, they are slim.

It's the same thing in my district. You know, I get in those plants every week. When I go in those plants, they show me what one blip of an electrical costs. I have massive, heavy energy users in my district, especially on the electrical side. With one blip, they could say, You know what? We're done. We'll go overseas. We don't need this, and we don't need one more Federal regulation. We don't need one more government bureaucrat telling us how to run our business, and we're out of business in this country.

Then what do we tell our constituents? What do we tell the next generation of Americans out there? That you don't have a job. What do you have to look forward to in the future? It's not very bright when you look at this piece of legislation.

You know, the President said when he was running for office that, Under my plan of a cap-and-trade system,

electricity rates will necessarily skyrocket.

That will cost money. They will pass that money on to the consumers. It goes from one to the next, and it's going to finally get down to those honest people who are going to try to be in those factories, making a product, finding out first they don't have jobs and, at the same time, that their electricity rates at home are just going to skyrocket. How are they going to make a living? How are those kids going to go to college?

I thank the gentleman.

At this time, I'd like to yield to my friend from Louisiana. Thank you.

Mr. BOUSTANY. I thank my friend from Ohio for yielding time to me.

I want to go back for a moment, back to March, at a time when the Ways and Means Committee in the House convened to hear Secretary Geithner's testimony to us regarding President Obama's budget proposals and specifically regarding the issues related to cap-and-trade and some proposed tax increases on the oil and gas industry. In fact, in addition to cap-and-trade, the administration is proposing \$31.5 billion in increased taxes on the U.S. domestics—the small, independent companies that produce oil and gas and that power our country. So, at the time, I had a very simple, a very straightforward question for Secretary Geithner, who was testifying.

I said, Mr. Secretary, how many jobs will this kill, particularly on the gulf coast? The gulf coast is trying to recover from hurricanes, but yet, at the same time, it has done a magnificent job of getting the oil and gas industry back up in the Outer Continental Shelf and inland—our refineries—to provide energy for our country. So I asked him simply: How many jobs do you intend to kill with this budget? He could not answer the question. So I gave him a little time, and I followed up with a letter to Secretary Geithner.

Two or three weeks elapsed. I received a letter today, and I have yet to receive an answer on how many jobs this administration intends to kill with its energy policy of cap-and-trade and of increased taxes on the domestic oil and gas industry.

Now, I know for a fact that we have about 1.5 million people directly employed in the oil and gas industry and that there are about 6 million additional folks who have jobs related to this, whether in manufacturing or in support services. So, if we look back and if we look at a time when a previous administration, Mr. Carter's administration, raised a windfall profits tax on the oil and gas industry, it devastated our domestic industry. What happened? We became more dependent on foreign oil, and we saw price spikes in energy.

So what's going to happen with this massive tax increase that is compounded by cap-and-trade? Well, my prediction is we're going to see massive job loss.

I was down in Louisiana for 2 weeks back during the Easter recess. I toured and went along the coast, and I visited a lot of these small companies, companies that employ pipefitters and welders, people who work on the boats, folks who do the electrical work on these rigs, people who do the fabrication work. These are good-paying jobs, high-paying jobs with benefits. These are manufacturing jobs, the same kind of manufacturing jobs my friend from Illinois just spoke about.

□ 1615

And our President says his goal is to save or create 3.5 million jobs before the end of 2010. I want to know a simple answer to the question I posed: How many jobs does this administration intend to kill with its energy tax proposals? It's a simple question.

And I think the American people deserve an answer. And certainly the good, hardworking folks down in Louisiana and Texas and Alabama and Mississippi who supply a large amount of the energy that this country uses deserve a simple, straightforward answer from Mr. Geithner and this administration.

Now, let me make one clear point here. I want to quote something first. Let me quote something from this letter that I received from Secretary Geithner. He says, "To the extent the credit," he's referring to the tax credits that the oil and gas industries had since 1913, "to the extent the credit encourages overproduction of oil, it is detrimental to long-term energy security." Overproduction of oil? Does any American believe that we have overproduction of oil? I would like to know what planet the Secretary is living on. What kind of information is he getting, for God's sake?

Now, I think it's also important to recognize that if we're going to have a reasonable and sensible energy policy that the American public can believe in, an energy policy that diversifies our sources of energy and utilizes oil and gas and clean coal technology and nuclear power as well as green technology and alternative fuels, that's the kind of energy policy that we're promoting. That's the energy policy that the American people want to hear about. That's the energy policy that will unleash individual American genius to solve our problems.

But if you're thinking about energy policy, our transition to that strategy involves natural gas as a diversified fuel as well as expanding nuclear power. But keep in mind that 30-35 percent of the natural gas that this country uses comes from rigs, oil and gas rigs that were drilled within the last 2 years. 35 percent.

Now, I have to tell you that the rig count in the United States since September is down by over 50 percent and dropping because of these tax proposals. It's dropping, and that means we're going to have a shortage down the line of natural gas and oil, and

we're going to become more dependent on oil from foreign sources, and we are going to become more dependent on liquefied natural gas being imported into this country.

All the while, we're kind of like—we're the Saudi Arabia of natural gas. We have a lot of natural gas reserves, but we're not utilizing them. And this energy policy that the President is proposing, these tax increases will devastate our industry, and we will become more dependent.

So, again, I asked President Obama and Secretary Geithner how many jobs do you intend to kill with this policy? And I think the American people, again, deserve a straight answer. Again, we're talking about good high-paying jobs across the board, manufacturing jobs, jobs that allow folks to buy homes, jobs that allow them to send their kids to college.

Finally, let me just say that I believe it is wrong for this administration to deliberately pick winners and losers. It's the height of arrogance. What we ought to be doing with an energy policy is unleashing American genius to solve these problems, the same kind of genius that have solved many problems before in this country.

One last thing I would like to mention is that back during the heyday of World War II when this country was in a fight against Nazi Germany and the Japanese and the concerns about energy were there and there was a fight for oil reserves and so forth, there was also a fight to see who was going to get nuclear power first. And it was because this country had a well-developed manufacturing and refining system with all of the chemical engineers, the petroleum engineers, that they were able to bring forth enough of the technical capability to win the race for atomic energy. And this is the same energy industry that this administration is currently trashing with this tax policy.

So, again, I want to know a simple answer to a simple question: How many jobs does the Obama administration intend to kill with cap and trade and with these targeted tax increases on the oil and gas industry?

With that, I will yield back to my friend.

Mr. LATTA. I thank the gentleman.

If I could just comment on a couple of things that he said.

I think you're absolutely right. I know when they shut the lights on us right here on this floor last year when we were down here talking about energy—and it wasn't hard to remember that we were talking about 65 or more percent of all of the energy that we were consuming in this country was being imported in this country. I remember those T. Boone Pickens commercials saying the largest transfer of wealth in history was occurring. I believe the number was like \$700 billion per year. And so when you see those things happening, it's hard not to get up here and speak out on that.

I yield back to the gentleman.

Mr. BOUSTANY. This administration doesn't understand the difference between our large multinational energy companies like ExxonMobil, Chevron that do most of their work overseas, and independently owned, American-owned energy companies working in the Gulf of Mexico who provide most of the oil and gas that this country utilizes. These are small companies operating in the Gulf of Mexico, predominantly, some in California and other areas around the country, but predominantly in the Gulf of Mexico. And this industry will be devastated by these tax proposals, and it's going to hurt our energy production, and it's going to make the price of oil and gas and gasoline and electricity go up significantly. It's absolutely the wrong policy at this time. We need a diversified energy policy, and we shouldn't punish those who are producing energy that Americans need desperately today.

Mr. MANZULLO. Would the gentleman yield?

Mr. BOUSTANY. I would be happy to yield.

Mr. MANZULLO. I thank the gentleman.

Perhaps the answer to the number of jobs that would be lost may be found in the draft of the American Clean Energy and Security Act. This is the Cap-and-Trade Act under title IV, if I'm reading this correctly, because it talks about worker transition. Now, that normally means somebody who's lost his job as a result of a government regulation and has to transition to something else. So they already are figuring that some people are going to be losing their jobs.

My gosh, you take a look at the quote of the President. It's going to cost a tremendous amount of money, electricity rates will skyrocket in factories. When you look at the small margin of profit, for example, on castings—already under tremendous pressure from overseas—they won't be around.

But something happened interestingly yesterday at the conference we had in Rockford, Illinois. Dr. Redmond Clark is a Ph.D. in environmental sciences. He's also an inventor and runs a business, and he said this astonishing statement: If American manufacturers, if all of America went to zero carbon emissions, within 7–10 years, the Chinese would more than compensate and put into the air all of the carbon emissions that the Americans had saved. Now, that is how flawed this plan is.

Mr. BOUSTANY. I thank the gentleman.

I would just add that really a productive way to reduce emissions would be to work out a cooperative agreement with China—which also has large amounts of emissions into the atmosphere—and let's use the technology that we have today to work with the Chinese to reduce emissions. But instead, with these tax proposals, they intend to destroy this industry. And I will tell you from my experience in

Louisiana in the 1980s, once these jobs are gone, folks leave. They go off and do other things. That expertise is gone. You can't develop it overnight. And this is at a time when our energy needs are critical.

So I have to say when the President talks about saving or creating 3.5 million jobs, this policy is not the way to do it. It will kill jobs, and it will kill many jobs.

Mr. LATTA. I would like to yield to the gentlelady from Oklahoma.

Ms. FALLIN. I appreciate your comments.

We're already seeing some of the effects in our oil and gas energy sector in the State of Oklahoma of job losses already just by talking about the cap-and-trade piece of legislation. And you were mentioning a few moments ago about the pollution of other countries and how if we have cap and trade here and we try to control our emissions—which we should, we should have reasonable policy on that—how China and India and some of those other growing economies will still keep polluting. In fact, a statistic that I saw said two-thirds of the world's population comes from countries other than the United States. So while we may put some heavy restrictions that could cost jobs and investment in the United States, these other countries will take those market shares from us and continue polluting.

I was interested in your comments by Secretary Geithner who said we have an overproduction of our oil, which that is an unusual comment when our Nation is so dependent upon foreign energy. I think many of us in this body believe that our country is at risk in our national security and economic security by buying almost 70 percent—65, 70 percent of our energy supplies from other foreign countries while spending around \$700 billion buying that foreign energy. Just think what that \$700 billion—if we produced our own energy—what that would do in our Nation as it relates to jobs and investment in our marketplace here in the United States.

But yet we continue to send that money to foreign countries buying their energy versus encouraging innovation, free enterprise here in United States of all kinds of energy sources.

And I just truly believe we have the knowledge, we have the capacity and the intellect in the United States to develop these alternative means of fuel and to reduce our carbon emissions. Look at natural gas. There is a proposal here in Congress to encourage more investment in C&G cars, more infrastructure investment in natural gas. And I hope that we continue to push those kinds of policies rather than massive tax increases and standards that will actually hurt our national economy and hurt our jobs.

Mr. MANZULLO. Will the gentlelady yield?

Another shocker that we found out is built into this proposed bill, there is a threshold limit so that the smaller

manufacturers—and you don't even have to have a smokestack to be covered by this because buildings naturally emit a carbon dioxide going out through the windows—but the smaller manufacturers would be exempt from cap-and-trade. However, the EPA has now empowered itself to control carbon for greenhouse emissions. So they will be coming in with another layer of regulations even for the smaller ones.

And—and this is almost certain—the EPA, in the past several months, had this proposed standard to tax cows. Any farmer that has a herd in excess of 25 cows—because cows are big methane emitters—\$125 per head per year. I don't make that much profit when I sell my beef cattle, even though we haven't done it in the past couple of years.

Washington, D.C. must be its own planet, how people can come up with these absurd ideas. And back home, we have two methane digesters. Some farmers got a little grant from the government to help out, and that's fine, and all of the waste from 300 dairy cattle near Pearl City, Illinois, go into this methane digester, and the methane is recaptured, goes back on the grid. It's enough to run a city of 500 homes. It's amazing.

How is it that people that know so little about manufacturing can, overnight, come up with the idea that they are the experts on green manufacturing as if American manufacturers were doing nothing to increase productivity?

Mr. BOUSTANY. If the gentleman would yield,

You know, U.S. companies in the oil and gas industry do the safest and most environmentally friendly work of any of the companies around the world. We've got Louisiana and Texas expertise disbursed all over the globe as a result of what happened back in the 1980s with the windfall profits tax. I run into workers all the time who are coming back to Louisiana to visit family. And they have been away, and they wish they could work in the Gulf of Mexico around this country doing work in this country to produce energy for our country. Yet, they were pushed out. We lost those jobs. And as the energy industry has started to come back, now we're seeing the specter of these increased taxes, which will be devastating.

And, in fact, I have a friend of mine—he and I finished college together—he's a petroleum engineer, and he's lived his entire professional life overseas because he went out into the work world at the time that this tax took place and devastated the domestic energy.

With that, I yield back to my friend.

Mr. LATTA. I recognize the gentlelady from Oklahoma.

□ 1630

Ms. FALLIN. I thank the Congressman. I have one thing I just wanted to add. President Obama has talked about how the United States can achieve a new long-term subsidization of green

jobs like similar to what Spain has done, and I have a report from the Institute For Energy Research, which talks about other countries.

And what has happened is they have spent billions of dollars of taxpayer resources to subsidize renewable energy programs and to add more greening within their societies. And as they passed some carbon tax-type legislation, it was showing that, according to their results, compared to what the United States could expect, that the U.S. can expect 2.2 jobs destroyed for every one renewable job that is financed by government-based bond, what has happened in Spain. Only one of 10 jobs actually creating a green investment would be permanent. They'd be temporary jobs.

Mr. LATTA. I thank the gentlelady.

IMPACT OF CAP-AND-TRADE ON MANUFACTURING

The SPEAKER pro tempore (Mr. CARSON of Indiana). Under a previous order of the House, the gentleman from Illinois (Mr. MANZULLO) is recognized for 5 minutes.

Mr. MANZULLO. Mr. Speaker, we've just concluded an hour of debate on manufacturing and the impact that this cap-and-trade system will have on manufacturing. I wanted to add a footnote from the congressional district that I represent. It's the top of the State of Illinois.

And near east of Dubuque, on the Mississippi River, is a company called Rentech that makes hydrous ammonia urea and products for agriculture. They were in the process of switching to what's called the Fischer-Tropsch process—it's an old German process—substituting natural gas and in its place putting coal, bringing coal up the Mississippi River.

And one of the byproducts of that coal would be diesel fuel, in addition to the hydrous ammonia, urea, et cetera, that could come from that facility.

Once the owners found out about a proposed cap-and-trade system, that stopped that half-billion-dollar investment in the congressional district that's smarting with unemployment, running as high as 14 and 15 percent. Just the talk, just the threat of a cap-and-trade has already stifled innovation.

And that's why it's extraordinarily important that we take a look at alternatives such as the ones suggested by GAO that can accomplish the same things without these onerous requirements and regulations on the backs of our American manufacturers.

And so those of us who were really concerned about the loss of manufacturing in this country, those of us who really want to see us become less dependent upon the Chinese and the Indians and the Mexicans and other countries around the world and to look to ourselves for self-sufficiency, to restore manufacturing in America, we cannot have this cap-and-trade system because

that has already stifled a half-billion-dollar investment in the congressional district that I represent.

CHANGING OUR ENERGY POLICY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Kentucky (Mr. YARMUTH) is recognized for 60 minutes as the designee of the majority leader.

Mr. YARMUTH. Mr. Speaker, it's been very interesting to have engaged in discussions over the last few months about changing our energy policy, and it's been particularly interesting listening to my colleagues on the other side talk about their vision of where this country goes or, rather, their lack of vision as to where this country will go in energy.

This debate began several years ago. It was very prominent during the Presidential campaign in 2008, and there began to emerge a very clear distinction about two very different visions about what we need to do in this country.

We heard last summer the mantra coming from the Republicans: "Drill, baby, drill! Drill, baby, drill!" That was, in essence, the sum and substance of the Republican Party's energy policy: continue to drill for oil, continue to emit carbon CO₂ into the atmosphere, continue to avoid the tough choices about changing our goals in energy policy in this country, trying to achieve energy independence and, again, relying on the same technologies that we've used in this country for 100 years.

Fortunately, we elected a President who has a very different vision of where we go in energy, a very progressive vision of where we go in energy, a policy that he has proposed, that this Congress is proposing to enact, that will end our dependence on oil and carbon-based fuels, will set a new course to where we are actually using the great gifts of the natural world, such as wind and solar energy, creating the kinds of incentives for businesses to create new jobs and new industries, so that we can create a future that is not only clean but prosperous.

Now, what's interesting in listening to my colleagues from the other side, all very well-intentioned men and women, and I've listened to some over the last hour, is this constant emphasis on the cost of changing direction, the cost of cleaning the air, the cost of truly creating an alternative energy policy in this country. And I'm glad they do that because, as with any good thing, there is a cost to doing it, but what we would like to emphasize in pursuing a new direction is the cost of not acting and not pursuing that new direction.

What have we seen, for instance, in this country over the last decade? We've seen the average citizen's energy costs rise by well over \$1,000 a year, and last summer alone, we saw gas

prices at \$4 a gallon, which certainly is an additional tax on every American citizen who drives a car or who powers anything.

As we project onward, we know that diminishing resources in carbon-based fuel, diminishing supplies of petroleum, the price of gas is going to continue to go up. The price of natural gas is going to rise. So the cost of pursuing the same old status quo is significant.

On the other hand, we can make an investment now. We can make an investment that will save us money, will continue to save us money toward infinity. We can actually harness the power of the sun, the power of the wind, hydroelectric power, geothermal power, all of the alternative sources which we know are available to us. If we can do that—and this bill that we are contemplating right now sets us in that direction, provides the type of incentives and stimulus that will get us to that era—then we will have an era in which we dramatically cut our energy costs. We will save trillions and trillions of dollars as we move forward.

I know just in my own district, I've gone to see some of the new techniques for building homes, for utilizing all of the LEED-certified processes that can cut a 3000-square-foot home's utility costs to under \$100 a month. These are the potentials that are out there for us, and these are the potentials that this proposal that we are dealing with now and considering in Congress can bring to reality.

So this is a debate that's important for this country. In a very real sense, it represents the future of this country, and there are very real differences between the Democratic Caucus and the administration and our colleagues on the other side who again prefer to pursue a 20th-century energy policy, rather than a 21st-century energy policy.

So I'm joined here by someone who has great interest in this subject and many others, who is part of that class of 2006 which changed control of the Congress and set us in a new direction. I'm proud to introduce my good friend and colleague, RON KLEIN from Florida.

Mr. KLEIN of Florida. I thank the gentleman and thank him for his leadership.

As a Member from the Commonwealth of Kentucky, obviously you have a great deal of understanding about energy needs. The cities in Kentucky, the rural areas of Kentucky, the great equestrian and horse industry in Kentucky, all of those require the types of energy that we know are future energy sources for America.

I think this is just such a moment in time that really allows for an excitement. Now, these are challenging times, make no mistake about it. In my lifetime—and I'm 51 years old. Mr. YARMUTH is probably somewhere in that range as well.

Mr. YARMUTH. I thank the gentleman for his flattery.

Mr. KLEIN of Florida. Well, as Americans we understand challenges. We understand crises. Our fathers, our grandparents, our great-grandparents were certainly the architects of us getting through world wars. They fought, they innovated, they came out of it even stronger. My mom was a public school teacher, taught second grade, taught me about how important education is to make a success of one's self.

My dad was a small businessman. I don't know if you remember five-and-ten-cent stores. We called them variety stores. We had them in Cleveland, Ohio, where I grew up, and I worked there since I was 8 years old. And my dad taught me what it was like to balance the books, not borrow unless you absolutely have to. I understood what it took to make payroll. We had eight employees and we took care of them. These were people that he was loyal to and they were loyal to him, and he taught me about work ethic.

But most importantly, he taught me about what it takes to be an American, and given those opportunities to succeed, you will succeed.

And that's why, to me, at this moment of great challenges in our economy, people's jobs may be being lost permanently, that this is the moment that we shouldn't just be incremental. We shouldn't be small thinking. We should be thinking big and look at this as an opportunity, an opportunity to truly change the direction of America.

And that direction takes in a lot of different pieces, but of course, it starts with a solid education. And I know that when my mom made it a necessity for me to go to school, college, I was able to borrow money through the student loan programs to get there. That was an opportunity and allowed me to be standing here today representing people in south Florida. But most importantly was that education that allowed me to see what our great universities can do in terms of innovation and science and business and to combine those great things together.

We know the story of John F. Kennedy, when that little Sputnik went up in space, and for those people who were living at that time, that little can that went up in space was the Russian statement to the world that they were going to be dominant in space, and that scared Americans. Not because they knew that it was a direct threat, but they didn't know what it meant with this Cold War going at that time.

But what John F. Kennedy did by saying, I'm going to put a man on the moon at the end of the 1960s is, he said that we're going to put science first and innovation and challenge, and we built a NASA program, and we put a man on the moon not by 1970, but in 1969, in July. I remember that.

And to me, that is the kind of inspiration that I think our President today is presenting to us, President Barack Obama, about using science, using technology, using business innovation to earn our way and work our way out

of this recession. It's not going to be something we're going to tax our way out of. We're going to grow our way out of this with jobs, with clean energy, with energy innovation, with energy products that not only are going to make us safer and more secure from a national security point of view—because we already know we import 60 percent of our oil from countries outside of the United States, and God only knows that is the wrong place for us to be at any moment in time.

We want to be self-reliant, and we have the capacity to do that with not only oil and gas but solar and wind and wave and nuclear and a whole lot of different things.

And it's about time that we sort of say this is our time, this is our moment to get it back on track. And I think that is what the President is saying to Americans. That's what the President is saying to American business.

I would share with the gentleman from Kentucky—he knows this because he helped write this bill. The big bill that we passed recently, the American Recovery and Reinvestment Act, the stimulus bill it's called, it has some incredibly positive things in it, not only to stimulate the economy but on energy. It has a smart grid, advanced battery technology effort, and it's millions and billions of dollars for our universities, for our businesses to come together, putting the smartest people at the table from a business point of view, how to take a product to market, as well as the science point of view, to get these batteries for all electric cars and for all sorts of innovation, to come together and say we're going to focus and we're going to do it. We're going to be more successful than any other country in the world.

□ 1645

And you know something, we're not only going to make it good for the United States; we're going to export those products and license that technology. And all the other countries of the world, instead of, you know, exporting to us, we're going to start exporting to them. Great opportunity there.

There are also a whole lot of really good things about energy efficiency, energy savings at home, encouraging people to buy products and giving them tax incentives to buy products that save on energy. Green jobs, green buildings, all these kind of things just offer such great opportunities. So, you know, I look at this moment when we're discussing energy, and not just about a drill, drill, drill issue. That's not the issue. Of course oil's going to be part of our national energy policy and so will natural gas, and we have more natural gas, and that's good.

But I'm from Florida. Florida should be leading the world right now in solar power. We're the Sunshine State, and every State in the country has something to advertise. People come to

Florida for our sun. Well, we should be leading in solar technology at our universities and for consumer purposes.

So I thank the gentleman for raising this today. We're going to be working on this issue. And again, this is not just about climate. This is about energy. This is about environment. This is about national security. Any one of those three, pick them, and I think that we could recognize this is the time for us to really put our foot down and make something happen.

Mr. YARMUTH. And I would also mention that this is about jobs. It's about jobs, jobs, jobs, because this is going to be one of the emerging industries of the 21st century. We know that. The American people know that. I mean, the polling on this topic is actually overwhelming. The high percentage, a majority of the American people understand that we need to go in a different direction in energy, that we need to make the investments, we need to stop global warming emissions. Seventy-seven percent of the voters, according to one recent poll, want us to act to reduce global warming emissions, CO₂. They know that this is what we need to do.

And, you know, this relates to what my colleague has said so well. What we are proposing to do in this legislation, in health care legislation that we're also working on, in the Recovery Act legislation that we've enacted, we're making a bet on America. We're making a big bet on America.

And I know that sometimes we hear our colleagues on the other side say, Oh, gosh, nobody borrows money to make money. Well, no. That's exactly what you do. That's what virtually every corporation that's ever succeeded in this country has done. They've borrowed money and they've invested it in ways that enabled them to make enormous future profits. And that's what we're proposing to do here.

We're going to increase deficits in this country over the next few years in order to enact those policies. But we're making a bet that American ingenuity, American brilliance, will develop the type of advances that will not only pay back that deficit, will not only create millions of new jobs, will not only create an exploding new industry, but will also lead this country into a great era of prosperity and will make life better for everyone, because if we can cut a person's utility bills from \$3,000 or \$4,000 a year to \$500 a year, that's essentially a tax cut, a substantial tax cut.

And I know they like to talk about raising taxes, raising taxes. But again, as I mentioned earlier, what is the cost of not doing something now? What is the cost of reverting to that 20th century economy when gas was \$4 a gallon last summer, and where, you know, we know gas in Europe is \$9 and \$10 in some places. What would that do to the American economy if gasoline were \$9 or \$10 a gallon? It would come to a screeching halt literally and figuratively. And that's why the types of

things we're proposing in this energy legislation are so critical, because we're making the big bet, the big bet that American ingenuity will succeed and we'll once again dominate the world and we'll once again lead the world into a much better era, an era of cleaner skies, cleaner water, and also one of great prosperity.

I'm willing to make that bet on America because America's never failed. And I think that's what is so exciting and inspirational about the administration and the White House and the leadership in this Congress, that they're willing to make the big bet that America will succeed.

I yield again to the gentleman from Florida.

Mr. KLEIN of Florida. I thank the gentleman for yielding. When I think about, when people talk about the best investment you can make is in yourself, and I know that over the years I've known people that were very successful in their own business and then they sort of went outside, they had a little extra money and they went outside their comfort zone and invested in something they maybe didn't know enough about and sometimes they lost money in that way.

I am so strongly in belief, as you just said, that investing in American scientists, investing in American business entrepreneurs, investing in the confidence that American consumers have, that we cannot only emerge in a stronger position, but we will absolutely dominate this energy field. And I'll give you an example.

The light bulbs that we see up here. These are incandescent light bulbs that were designed by Thomas Edison. The technology, long, long ago, a hundred years ago. And over the years we've made certain improvements to them and things like that, but they're very energy oriented. They really consume a lot of energy.

Well, you've now seen these new bulbs, that sort of circular, looks like a loop kind of thing, and those save a lot of energy. Now, they cost more at the store right now if you go to one of the stores because obviously there is a supply-and-demand issue.

But one of the things that we can do in government that doesn't cost the taxpayers a dime is we can create market, something Europe has been doing for a long time. And an example of this, and I know the gentleman from Kentucky is aware of this: Last year we passed a bill that will phase out the old-fashioned light bulbs over the next number of years, transition. And when we say "phase out," they're going to have to put in, you know, they'll basically be selling new light bulbs, new energy-efficient light bulbs.

Well, guess what that does. Without the government spending a dime, without anybody doing anything, it gives businesses and business entrepreneurs and scientists a signal, a market signal that says there are going to be 450 million light bulbs sold in 2012 of this

type, a big, big market in the United States. That's not the real number, but some extraordinary number, and then around world.

That means that if you design and can build in a cost-effective way and manufacture a light bulb that meets these specifications, there is a big market out there. So it certainly gives you, as an entrepreneur, as a businessperson, the signal to say, I'm going to invest in something that I know there's going to be a big market. And over the next number of years that market will only grow and expand. It's the same thing that we've seen with appliances. It's the same thing with our heating and air-conditioning systems. The refrigerators that were built 20 years ago used, I think, something like 10 times as much energy as they used today, even though today's average refrigerator is larger, does more functions and everything else. And that's because over time, you know, people understood, they wanted it more efficient, they wanted to pay less. So they paid a little more for the refrigerator up front, absolutely recouped that over time.

So, to me, these are the exciting things when it comes to electric automobiles and hybrids and all sorts of new technology that will make our homes more efficient, our buildings more efficient where we work. And it's a moment where I think with a partnership of government sending the right signals and the right tax planning, and businesses and consumers wanting to make these changes, wanting to succeed and create these jobs and wanting to be successful, it's the perfect combination.

And I yield back.

Mr. YARMUTH. I'm glad the gentleman mentioned those types of innovations, because the Consumer Products Division of General Electric is based in my district, and I'm well aware of the incredible progress that's being made in energy-efficient appliances and in those light bulbs. And this isn't the General Electric Company, but another very large company in my district just went through their plant and replaced all of their bulbs with energy-saving bulbs. It cost them \$80,000 to do it. Now, \$80,000 is a pretty substantial sum to a business, but they made the calculation that \$80,000 would be paid back many, many times over in savings as they went forward.

And this is going to happen in business after business, in institution after institution, colleges, schools, you name it, across the country will be making these changes because they recognize the savings.

General Electric has, as do other manufacturers—I'm obviously going to plug General Electric—has new appliances which actually are regulated so that they will actually go on. They're timed so that they will be—let's say a dishwasher or a clothing washer or dryer will actually go on during periods of the day when peak utility usage,

when it's not peak utility usage, when there's actually low demand on utilities. And they think by doing this, by creating these types of very smart appliances, they call them smart appliances, that they will actually be able to save energy costs systemwide because they won't be draining the utilities at the peak usage hours.

So there are all sorts of very, very smart things going on, and the legislation that we're proposing and the government initiatives that we're trying to initiate will go a great distance in seeing that through.

One of the things that intrigued me today, and I'm very proud of not just President Obama but also the automobile manufacturers and the various State governments that were involved in this discussion, to raise the mileage standards for automobiles to 35 miles a gallon by 2016, which is far faster than was provided for in legislation we passed in 2007.

But what's fascinating to me about this, and I think the gentleman would agree, that technology is going to outstrip even these standards that we're setting. I mean, there's a Ford Fusion right now, 41 miles a gallon in the city, a Ford Fusion hybrid. There are going to be electric cars that are coming out within the next year or two that will essentially get far more mileage than the prescription in this agreement that was reached.

So that's just a measure, one more measure of how successful, how innovative our economy can be when given a challenge. And all we're trying to do in this legislation that we're proposing now is to kind of put the challenge out there with the right kind of incentives, with the right kind of government push and funding and let the American spirit and American ingenuity have its way. And I know that this is going to be—again, this is going to be a phenomenal job creator and an economic engine for America as we move forward.

And I'll yield to the gentleman again.

Mr. KLEIN of Florida. Thank you. And I absolutely agree. And if you think about, you know, the automobile, I'm in full agreement. I think it's exciting, and I'm glad to see that our people at the automotive companies understand this challenge, are not standing in the way. They're embracing it, and that's pretty exciting. And I think they're embracing it because they know that their survival is dependent on selling a car that the American consumer will want to buy, will get efficiency in operation, will last, and the maintenance will be minimal. There's a strong warranty behind it, things that were the mainstay of the automobile industry in the United States for a long time and, you know, sort of tapered off over the last few years.

But there's absolutely no reason in my mind why an American automobile can't be as good or better than any automobile in the world and why our

scientists and engineers can't create the best automobile.

There's a company in New Jersey that has been working on a different kind of concept which is very interesting. They're actually pushing—or not pushing. I think they've got the Government of Israel to support this, and I think Finland also, where in Israel they're going to be converting their entire—all their automobiles to electric automobiles over the next number of years.

And here's the simplicity of how this works, because I love when people say, Well, we can't do it, and the naysayers. And, oh, it's too expensive or too this. It just takes a little bit of thought to get it through.

Here's the simple idea. Right now, we have a tank of gas that may get you 200 miles, 300 miles, and then you run out of gas. Okay? So it's finite. It's not like your car runs indefinitely. You have to stop at a gas station. And, of course, in the United States, we have gas stations a lot of different places, but there aren't a lot of places you can get flex fuels and a lot of other, which has held up the alternative types of engine development in the United States.

This group has a car that has a battery, and the battery, I think right now the electric charge is maybe 100 miles, which, by the way, for most people, you don't go more than 100 miles in any city during the day. You may go 30, 40 miles, and then you can swap the battery out. You go to a gas station, which is now a service station. You swap the battery out just like you did with your old—your telephone battery kind of thing, and then you pop it back in and you're ready for the next charge. Or you plug in at night at home.

Now, if you think about it, our utility plants right now operate at peak capacity during the day. In the middle of the night when factories aren't necessarily operating and the peak load for electricity is down, they're operating at 30 percent, 40 percent, 60 percent, whatever the number is. So if you were to plug all these cars in at night with a nominal amount of electricity, no big deal. It makes full use of the existing capacity. You don't need another megawatt of electricity to do this, and you've got a car that has no emissions whatsoever.

□ 1700

We also know that this 100-mile charge, in the next couple of years it's going to be 120 and then 150 and then 200, because the technicians and the science people are going to get these batteries up and running, just like they make cars more efficient over time.

I thank the Senate for passing the Credit Card bill. I think that's a very exciting bill that the House passed already—it's called the Credit Card Consumers Rights bill. I think in a bipartisan way many of us in the House were very excited about the opportunity to try to get some balance in the credit

card world for consumers, particularly at a time like this. So I appreciate the work of the Senate. I know we're going to be working actively to get that bill resolved.

But just to finish the thought, if I can, the gentleman from Kentucky, is just to say that this electric car concept, it's exactly—whether that is the prototype for what is going to work in America, I can't tell you. But I love the idea that great thinkers are out there coming up with new ideas. The simplicity of being able to plug a car into a wall—there's a plug in the most rural areas or there's an electric outlet in the middle of the city.

So I think that's the kind of thinking that I would love to see as we move forward. I know that the tax incentives are in place for the development of our companies in the United States that develop these. I know the American people are ready for the jobs and our economy is ready for rebuilding. I think this is that moment in time as we pass this stimulus bill and we're now moving into the phase of letting the companies compete for these grants and letting our universities participate in the development with our greatest scientists and greatest engineers to take us to the next level so we will have energy security, national security, cleaner environment, and the kinds of economy that my kids, your kids, maybe our grandkids in the future, will be able to enjoy and participate in.

Mr. YARMUTH. Exactly. And millions of new jobs and essentially a reduction in everyone's utility costs that will amount to a substantial tax cut. So, in my view, and I think the view of most Americans, this is a win-win-win-win.

Before we yield to another colleague, I'd just like to go through some of these other poll numbers to show where the American people are, because sometimes we sit in this Chamber—and we have equal time with the minority party so we have equal minutes. Sometimes you might get the impression that there's an equal number of people who agree with that position, an equal number of people who agree with our position.

But this is a poll actually done by a combination of Democratic and Republican pollsters and also by the Pew Research Group. Seventy-four percent of Republicans, 70 percent of Independents, and 74 percent of Democrats believe jobs that reduce our dependence on foreign oil are very important for helping the economy over the next 5 to 10 years.

Sixty-three percent of Republicans, 70 percent of Independents, and 37 percent of Democrats believe jobs that are improving energy efficiency are very important to helping the economy over the next 5 to 10 years.

Fifty-nine percent of voters believe efforts to tackle global warming will help create jobs. We heard from the other side earlier this afternoon that,

Oh, gosh, efforts to reduce global warming emissions are going to kill jobs—millions and millions of jobs—and result in a huge tax increase. Most Americans don't agree with that. Most Americans agree this is going to be a benefit for the economy.

Seventy-seven percent of voters favor action to reduce global warming emissions. Fifty percent of voters say they would view their Member of Congress more favorably if they support a comprehensive plan to create clean energy jobs and fight global warming. Only 22 percent say they would view their Member of Congress less favorably.

So it's pretty clear from these numbers and it's pretty clear from the people I talk to that the American people are strongly in favor of our taking dramatic action to set our country on a new path where energy is concerned toward a cleaner energy future, a more affordable energy future, toward an independent energy future. And I think that the moves we are making in this Congress will take us in that direction. I'm very proud that we're doing that.

I yield to the gentleman from Florida.

Mr. KLEIN of Florida. I thank the gentleman. I think when we talk about polls, obviously it's interesting to hear what the American people have to say because those are the people impacted by the decisions that are made here in Washington. And particularly at home right now, I know where I live in south Florida, people are hurting, they're suffering. They're looking for what is going on for the future of their jobs, their businesses. If they're senior citizens, they're concerned about what's going on in the economy.

But I think what is going on is there seems to be a little bit of a glimmer of some turn here. It's going to take time. What we all inherited—I'm talking about America, I'm not talking about this Congress—but all of us as Americans, we inherited, unfortunately, a pretty deep situation with the bank crisis and things like that.

We all go through recessions. Recessions cycle out. We do everything we can as a country, both public and private sector, to contract the amount of time it's going to take to allow a recession to go through.

But, again, I see this as a time also with the new President, President Obama, as really taking this moment to say we're going to have to fix some of the problems that have been festering a long time. We have an investment in roads and infrastructure and schools and bridges and things like that.

We have an investment in health care—to try to fix the health care system. We're debating a lot of new ideas right now. I know that every one of us has a family situation with a pre-existing condition. My sister had cancer diagnosed recently, and she's going to have problems with insurance. You know something? This is that moment when you need insurance—not a perfectly healthy person.

But whether it's energy or health care or education or the bridges and roads and universities, things like that, these are the things that I think are really beginning to come out. The polls can say something, as my friend from Kentucky said, but these are Americans talking. These aren't Democrats or Republicans or Independents. These are Americans from all walks of life, from all 50 States, rural areas and industrial areas, areas where there's been a great history of success and areas that are now having great difficulties.

I think that's why it is exciting to have the kind of energy and the kind of leadership that's coming out of the White House. We may not necessarily grant every single thing, but I think that what's going on right now in Washington, there's a great amount of trying that's going on, a great amount of effort going into passing things.

There's been a number of bills passed—everything from health care to the energy issues. We know that as we move forward there are going to be greater issues to tackle. And I know that all of us feel very strongly this is a moment where we want to hear from our constituents, to talk to us, to let us know what is on their mind; not get caught up on the discussions on cable television. Obviously, everybody's got an opinion.

Literally, when we come home and we're talking every day at home with what Americans are talking about, what is important to them, this is that time to share with us. I know that many of you do. I just want to continue that conversation as we move forward.

I just wanted to thank the gentleman for bringing us here tonight to talk about energy because this is something that is going to have one of the biggest impacts on our future, both our foreign policy and our domestic policy. I look forward to working with you and all the Members of Congress on making sure we get it right.

Mr. YARMUTH. I thank the gentleman. He makes a very important point, and that is that you started in this way, that we are at a critical juncture in our Nation's history and the history of the world. We, for once, at least in my memory, are starting to look at the long-term needs of this country and this world.

We don't do that very well in this country. It's always we look to tomorrow, we look maybe to next year, but we don't look at the next generation and the generation past that. And in the debate we will have in coming weeks on energy and later in the year on health care, we will hear, again, this very distinct difference in opinion.

I heard Members this morning and I heard the minority leader on Sunday on television talking about health care, saying the cost of reforming health care is so great, it's going to cost billions and billions of dollars, which we know. We don't know exactly how much it's going to cost to do that,

but we know pretty certainly what the cost of not acting is, because the projections just in Medicare alone are that we're facing something like a \$70 trillion projected deficit in additional deficit in Medicare over the next 50 years.

So we don't have the option of not acting. We don't have that option. Yes, we are going to spend some money in the next few years. But, again, if we don't, we face a certain dismal future. If we act now, we have a chance of turning this country in the right direction and creating a very prosperous and bright future for our country.

Now I'd like to yield to another member of the class of 2006, a good friend and colleague from Indiana, Mr. DONNELLY.

The SPEAKER pro tempore. Without objection, the gentleman from Indiana will control the remainder of the hour.

There was no objection.

COMMEMORATION OF THOSE WHO GAVE THEIR
LIVES IN THE ARMED FORCES

Mr. DONNELLY. Thank you, Mr. Speaker. I'd like to thank my two colleagues, Mr. KLEIN from Florida and Mr. YARMUTH from Kentucky, for their insightful ideas and words.

Mr. Speaker, as we near Memorial Day, I rise today to offer some words in commemoration of those who gave their lives in the Armed Forces; in particular, three sons from our Second District of Indiana.

I know that words are only a poor and passing memorial, gone as soon as spoken. Flowers, plaques, and even stone—the other tokens we offer on Memorial Day to celebrate our fallen sons and daughters—all of these will decay and crumble. Nothing we give will endure as long as the gifts of these soldiers who, in their death, gave an example of fidelity that will never die.

Lance Corporal Cameron Babcock, was a native son of Plymouth, Indiana, and a proud member of the United States Marine Corps. Cameron lost his life at Twenty-Nine Palms Marine Base in California on January 20.

Cameron was a fine young man. He loved his family and he loved his country. Cameron was fun-loving and was known for his bear hug. He knew the value of the small things that made life a joy—being with friends, playing music, four-wheeling, and spending time with his beloved family. Cameron was successful in enjoying the many riches of life.

His talent with the trumpet led him to compete at the State Jazz Festival in 2005, and his musical talent also led to his participation in the Wind Ensemble, comprised of some of the top musicians at Plymouth High School. Cameron's warm personality attracted to him a wide circle of friends.

But Cameron also knew the value of matters larger than himself. His lifelong dream was to join the proud ranks of the United States Marine Corps. Shortly after graduating from Plymouth High School in 2006, Cameron dove right into this dream and enlisted. His energy, enthusiasm, and

many gifts made the Marine Corps, and this Nation, much better.

He became an infantry rifleman, excelling all through basic training. Before long, he proved his bravery by serving a tour of duty in Iraq, spending several months in Ramadi in the Sunni Triangle. In this dangerous setting, Cameron continually did his job faithfully, and he did it well.

He won a variety of honors for his service and, at the time of his death, was prepared to again answer the call of duty for his country and return to Iraq.

Mr. Speaker, I also want to recognize the life and service of Sergeant Joseph Ford, originally of Knox, Indiana, a proud member of the Indiana Army National Guard. He died on May 10, 2008, when his vehicle rolled over during a training exercise near Al Asad, Iraq.

For most of his life, Sergeant Ford was simply known as Joey. Joey had a love of learning throughout his life; in particular, a passion for history that led him to attend the University of Southern Indiana to major in history.

Joey's passion for history reflected a passion for his country. This passion—this patriotism—kindled in him the desire to serve his country. The dedication to military service did not come without challenges for Joey. In order to meet the physical demands of the military, he embarked on an aggressive weight loss program, losing over 70 pounds in order to be able to join the Indiana National Guard.

This desire to serve his country did not stop at the water's edge. His commanding officer, Lieutenant Chastain, stated that Ford wanted to be the gunner on an armored vehicle rather than the driver. He said of Joey, "He exemplified what a dedicated soldier is."

□ 1715

This dedication was honored by his posthumous promotion from specialist to sergeant and the awarding of a Bronze Star.

Mr. Speaker, great as his love of country was, he also loved his family, in particular, his parents Dalarie and Sam and his wife Karen.

Joey had met the love of his life while he attended the University of Southern Indiana. His friend and fellow Guardsman, Keith Ausland, noted that his conversations with Joey during training and in Iraq generally ended not with concerns about the mission but concerns about his family. Ausland wrote in his tribute to Joey that, "Joe was a new husband, and he loved his wife dearly."

When his mom Dalarie was asked about the one thing she would want her son remembered for, she said, "He was so kind to everybody. At the memorial service it was amazing just to see all the unique people who loved Joey. He never wrote off anyone, and he was friends with everybody, all shapes, sizes, all walks of life. Joe was a gentle soul." So today we remember and honor Joe Ford, a patriot and a gentle

soul, a proud dad, a proud husband and a wonderful son.

Mr. Speaker, for much of the history of war, the number of soldiers struck down on the battlefield has been dwarfed by those killed by illness and disease. Thankfully, modern medicine has made the scourge of disease far more remote for our soldiers today, which makes the death of Private Randy Stabnik, also of the Indiana Army National Guard, all the more painful.

On February 17, Private Stabnik died from pneumococcal meningitis, a rare and unexpected death. After Randy had joined the National Guard, his family could see how much he was growing to love his service. His dad Jim, when asked about his son's service, said, "When he came home for Christmas, I could tell he missed it. He missed the lifestyle. He missed his friends there. He loved it, but missed his son. They were very, very close."

His son Nathan, only 8 years old, lost his 28-year-old dad. This is part of the tragedy of war. Soldiers fight and die to protect those they love, and we must never forget the burden of sacrifice borne by the loved ones who are left behind.

His son and his family should know that Randy cared deeply for them. His mom said shortly after his death, "Randy was Mom's baby, Mom's angel. He was my heart." And her angel, he remains. But he is also an angel for the entire Nation.

Mr. Speaker, ultimately the greatest memorial to these fallen patriots, to Cameron, to Joey and to Randy, will not be my words nor anything we can build or bestow. Our greatest honor for them will be to look not toward them but to look where they looked, to seek what they sought. If we work for that same good for which they gave their lives, if we create a nation at once more just, more secure, and more free, we will be a brighter beacon in a frequently dark world; and we will have given our fallen brothers and sisters a true memorial worthy of them.

Thank you, Mr. Speaker.

I yield back the balance of my time.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment a bill of the House of the following title:

H.R. 627. An act to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes.

ADDRESSING THE HEALTH CARE CRISIS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Tennessee (Mr. ROE) is recognized for 60 minutes.

Mr. ROE of Tennessee. Thank you, Mr. Speaker. We're here this evening to begin and continue a very important debate in American society. I think it's probably one of the most important social debates we've had in the last 40 years in this Nation since the debate on Medicare in 1965.

We're here tonight as a Physicians Caucus to discuss health care reform. My background, I spent 31 years practicing medicine in Johnson City, Tennessee, in the First Congressional District. As I've watched our health care system change over the past 30 years, it really spurred me to run for Congress, to come here and be part of this great debate that will affect every American citizen.

I recall when I made my decision to go to medical school, I wanted to be a family practitioner. Somewhere along the way, I discovered I had a great knack and a love of delivering babies. I have delivered almost 5,000 of them, many of whom are now grown. One of the great advantages you have as an obstetrician when you run for Congress is that you can deliver your own voters. There is some advantage to that.

We have a health care problem in America. Some call it a crisis. For some, it is. For others, it's cost. Certainly we know that there are great concerns about the cost of health care.

In the next hour we're going to discuss how we're going to address this health care crisis. We can ensure that every American can get the care they need, protect individuals from costs that can bankrupt them and make health insurance portable so that you don't lose your coverage just because you change jobs or move from one State to another.

We can also take the profits out of health care by reforming the health insurance industry to bring about a patient-centered approach to providing health care. Enacting a public plan will not bring about this type of change, and I'm going to go into that in some detail from the experiences we've had in the State of Tennessee with our Tennessee Medicaid system called TennCare.

If you think you won't be affected by a public plan, consider this: A recent analysis of this plan by the respected independent firm Lewin Group estimated that 70 percent of individuals who have health care coverage through their employer would lose those benefits in favor of a public plan. Now this plan could very easily become a Medicaid-type plan.

When supporters of a public plan say they want the public plan to compete with private plans, the facts show that what they're really saying is that they want Washington bureaucrats to take over the health care decision-making.

I want to talk for a while or speak to you a little while about the principles that House Republicans have put forward to start the debate over how to bring about patient-centered health care.

I want to mention a couple things before we start. Health care affects all of us, whether we're Democrats, Republicans, Independents, or whether we're totally apolitical. At some point in time in your life, you're going to have to make decisions about how I receive and get health care for myself or my family.

We're going to start this evening by giving another opinion or another view of the health care plan and how it is to be administered and obtained. The principles that we're going to talk about for health care reform are, number one, make quality health care coverage affordable and accessible for every American regardless of pre-existing conditions. In a country that spends 16 percent of its GDP, over \$2 trillion a year, on health care, I think there's no question that we can provide a basic health care plan for each American.

Now what I mean by basic health care, it's not a plan where you can get hair transplants or face-lifts or all this. But if you are out there injured in an automobile wreck or have a heart attack or have a gallbladder that goes bad, you can get basic health coverage and care.

I think this is something that all Americans believe in. I think we now have crossed that bridge and believe we can do that. I think the differences we're going to have in this great debate that we're going to have are, how are we going to accomplish this very noble task? In a few minutes I will go through how we tried this in Tennessee, and how it was not successful. But I think it can be.

Most Americans also fear, I think rightly so, that a basic health problem—it may be leukemia or a cancer of some type—can bankrupt the family. Certainly we don't want a situation where a family, through no fault of their own, develops a disease process, and then you use up all the family resources you've saved in a lifetime to provide care for your family.

The second principle we'll talk about is not a government-run health care plan. This eliminates coverage for more than 100 million people who receive insurance from an employer, and it restricts patient choice of doctors and treatments and results in the Federal Government takeover of health care.

Let me sort of explain how this worked in Tennessee. In the early nineties and mid-nineties, the big debate in this country came along about controlling health care costs or managed care. We were going to control costs through deciding who and what care was appropriate and so on. Well, that didn't work. Health care costs have continued to escalate in spite of managed care, and managed care basically has moved the pay to providers over to the third-party payers.

In Tennessee we had a very noble plan. We wanted to cover everyone in our State, and we're not a wealthy

State, so it was a noble goal. Right now in the State of Tennessee we have TennCare, which is our Medicaid plan. We have the uninsured, we have Medicare, and then we also have the private health insurance coverage. About 60-plus percent of Americans are covered by private health insurance coverage.

In Tennessee when we applied the TennCare solution, which was a managed care solution with multiple third-party payers at that time, the plan was not fully vetted and thought out well. One of the things I've said the entire time I've been here, Let's do this health care plan right. Let's not do it fast. I think one of the mistakes we made in Tennessee was going too rapidly with this plan.

So we instituted this plan, and what we found out was that 45 percent of the people who applied for TennCare and were granted it had private health insurance coverage. Well, I went to the providers recently, hospitals and other providers, and I said, What percent of your costs does Medicaid or TennCare pay in your particular facility? And the resounding answer was, about 60 percent. So you have a significant percentage of people now who have given up their private health insurance and have gotten on the public plan, which only pays about 60 percent of the provider costs. You also have the uninsured who pay some percentage of their own costs, and Medicare pays about 90 percent of the costs.

So as you shifted more people from the private plans to the TennCare plan, you forced the private health insurers to charge more for their plan. That's what happened. What I can see happening in the public plan is exactly this. It's going to be described, we're going to have a plan that's competitive. It will be very rich in benefits. And what happened was, in Tennessee the actual TennCare plan was richer in benefits than I could afford to provide my own office staff and myself because of the costs.

When you have politicians deciding what goes into a basic plan, it will become richer and richer and richer. What will happen in the public plan—and you'll hear the buzzwords. It will be competitive. If you like your own health insurance coverage, you can keep it. You don't have to give it up. Just keep what you have.

Well, what will happen is this: Businesses will make a perfectly logical decision. What they will do is—and this is small business because in businesses in this country with over 200 employees, 99 percent of those have health insurance coverage.

So this is what will happen. You have the public option plan, the government-run bureaucratic plan that will have a lot of benefits, except it won't pay the cost of care. And when that happens, the cost of private insurance once again will be forced up, causing more and more and more businesses to do away with their private health insurance plans and put it on the public

plan. And really over time—and I think a very short period of time—you will see the public plan, along with Medicaid and Medicare, become the only options available.

Now why do we think that this is not a good idea? Well, we've looked at public plans, and I have studied these extensively in foreign countries. In England, Canada, Sweden, Norway, Germany, France, Italy, other major European industrialized nations.

□ 1730

And this is what you would find. The way costs are controlled are by rationing care. In other words, when you have used up all the public dollars that you have dedicated for health care, you have to create ways. An example is in Tennessee. What we did was we simply shrank the rolls. We realized if so many people got on the public plan, the TennCare plan, that the State no longer could afford to budget for it. Our health care costs were more than education in the State. So what the Governor did, along with the legislature, is just cut the number of people off the TennCare rolls.

Well, for instance, in Canada, if you have a heart attack, your average time to go to the operating room is 117 days. They simply ration their care in Canada. And they have great physicians there. As a matter of fact, in the last decade, 11 percent of the Canadian physicians have moved to the United States. I have several very close friends who are Canadian physicians and colleagues. And they do a wonderful job. The president of the Canadian Medical Association once stated that a dog in Canada could get a hip operation within 1 week, and a patient there, it took between 2 and 3 years, simply because of lack of government funds to provide all of the benefits that the government had promised.

So in this particular plan, the one thing that I want as a physician, that I have utilized for years, is that you want to maintain the patient-physician relationship. The one thing that is absolutely mandatory, in my mind, is that the decisionmaking between patient and physician is paramount. Doctors and patients should be making health care decisions. Some government bureaucrat should not be deciding whether you get your hip replaced or your aging parents get the care they need.

I'm going to stop at this point in the principles, and there are lots to talk about tonight. And I see my colleague, Dr. FLEMING from Louisiana, is here. And I would like to yield him as much time as he feels is necessary.

Mr. FLEMING. Well, thanks to my colleague and the gentleman from Tennessee, Dr. ROE. Dr. ROE certainly has a lot to bring to the table being a physician for many years and also having quite a political background being mayor of a city and actually having balanced a budget and even having a surplus, something we don't see very

often these days. And so I thank the gentleman for that.

Yes, I wanted to make a few comments, as well, regarding this health care debate that is coming to a head here very soon. Patients are very simple in what they want from health care. Certainly they want choice. They want affordability. They want control. And they want good results. And I think that that is quite reasonable. And certainly on the other side of the aisle where there is a debate about a single-payer system, really a government-run system, I think that there is not any disagreement about the fact that we want everyone to have access to health care, and we want everyone to have access to good health care.

I think where the debate begins to fall down is that in our opinion on this side of the aisle, we feel that a government-run system is not a well run system. It is an inefficient system. It is a wasteful system. We have many, many examples of why that is true. We don't have to even turn to health care. We can look at any system that has been run by government, and not just the United States Government. Cities and States all reveal considerable waste because it is the nature of the system itself. On the other hand, in the private system, there is the administrative ability to remove fraud, waste and abuse.

I will give you an example. Today with Medicare and Medicaid, we recognize that there is fraud, waste and abuse. Everyone knows it. Many politicians get up and clamor that they will be able to remove it, but none has been able to do that. The reason is because of the nature of government itself. Government cannot remove fraud, waste and abuse. In order to attempt to do so, it has to build, first of all, a large bureaucracy. It has to catch the offenders. With that, there has to be prosecution of the offenders. And when you get down to it, you only find the very most egregious small percentage of those who are actually committing fraud, waste and abuse. So you get really a small tip of the iceberg. So much more is underneath that a government can never get to.

On the other hand, if you look at a private business, private business has all sorts of ways of finding fraud, waste and abuse and removing it administratively. For instance, a physician who is practicing inefficient medicine in an organization, in a private organization, he can be reeducated, or she can be reeducated, or just simply removed entirely from employment. But government is unable to micromanage individual behavior. And every time we attempt, we simply run cost up. And I will give you another good example of that. If you look at the post office and compare it to FedEx or UPS, you will see these private companies run so efficiently and so profitably. And yet, of course, the post office does not run efficiently. There are long lines. And that is just one way to control cost, and

then, of course, ultimately we have to pay higher rates.

So I think that we really have to look at the endemic problems within a private system versus a public system when we see that really there are only two ways to control cost in a public system. And we are attempting one of them and have been doing so for the last 20 or 30 years, and that is price controls, price controls on the providers, the hospitals and the doctors. And that would be a wonderful thing perhaps, at least for consumers, if it worked. But what goes up faster than health care every year? Nothing that I'm aware of. It is the one part of the economy where we have price controls, the only one, and yet it goes up faster than anything else.

Well, what is the only other way we can control costs? That is rationing. And you say, well, we are not rationing care today. Look at Medicare and Medicaid, still a reasonably smaller percentage of the total health care system here, and it is able to provide good service to recipients, even though they are government-run programs, only because you have a much larger private system that is able to keep it supported. Now if we expand that to a large, government-run health care system, it is going to make up 17 percent of our entire economy. Where are we going to get the money to prop that system up? Where is it going to come from? And so what we are going to end up with is the same place where Canada, the U.K. and all the other countries that have gone to a single-payer, government-takeover-run system, and that is that there is going to have to be cuts. When we get up to a point where budgets have to be evaluated, we are going to have to make cuts. And when you make cuts, that equals rationing.

Mr. ROE of Tennessee. Will the gentleman yield for a moment?

Mr. FLEMING. Yes

Mr. ROE of Tennessee. Here just a minute ago, we heard a debate on the floor about how we are going to have to redo Medicaid and Medicare. And we have a system already that has promised up to as much as a \$70 trillion promise that we have unfunded, a government system that we don't have the money to pay for now, and we are thinking about starting another one, another government system. And you mentioned rationing of care. It brings to me the thought of breast cancer.

As a physician in our practice, we average seeing one newly diagnosed breast cancer per week. And when I began my practice over 30 years ago, half the women, approximately half the women, died in 5 years after being diagnosed with breast cancer. It was a terrible, and still is, a terrible diagnosis. And one of the great miracles of medicine is we haven't cured that disease, but we have improved the life expectancy for a woman diagnosed early to a 5-year survival rate of 98 percent. It is a wonderful story to tell. When a patient comes to my office, and she says,

Dr. ROE, how am I going to do? I can say, look, you're going to have some tough times. It's going to be hard. This therapy is going to be difficult and tough. But you're going to make it. And you're going to live. And you're going to get through it. And I'm going to be through it with you.

What has happened in England is that the best results they had ever was a 78 percent 5-year survival rate. And they quit doing routine screening mammograms in England. And the reason they quit doing that is because there is a false positive rate. That means the test says you have something wrong, you go and have a more sophisticated biopsy. It is called a "wire-guided biopsy." It requires a radiologist. It is a fairly sophisticated, as you all know, procedure. But what happens is that that costs more than the screening mammogram. So now they just wait until you develop a lump that you can feel. And as most physicians know, that is about 2 centimeters or three-quarters of an inch.

I don't think the American people are going to tolerate that for their families. I know I won't tolerate that for my family. I don't want a government decision based on the amount of money whether my wife or my daughter can have a mammogram. I yield back.

Mr. FLEMING. I thank the gentleman from Tennessee, Dr. ROE, for his excellent comments.

What you're pointing out is that rationing is not just about inconvenience, although there is a lot of inconvenience where someone has to wait 6 months to get a surgery, elective surgery or something like that. But it also means accepted death rates and accepted morbidity rates so that people go unable to work because they need a hip replacement or someone dies waiting for needed surgery for a disease disorder. They go delayed diagnosis for a tumor which is going to end up in much more cost down the line because it wasn't prevented or diagnosed earlier. So rationed care I think is unacceptable to the American mind. And I would just say that if we go towards a government-run system, we have to be willing to accept the fact that we will have rationed care. I don't see any way around that.

I do want to just sum up before I yield, and that is that I think that in evaluating the American psyche today when it comes to health care, we find that 83 percent of Americans like the health care the way it is. They like their insurance coverage. They like the doctor that they see. They are happy. The problem that we are talking about today is the 47 million uninsured. And who are these people? Well, statistics tell us that probably 10 million or so of those are illegal aliens. And, of course, that is a whole other debate. We need immigration reform. There is also probably half that number who are young adults who are healthy who elect not to get any health care insur-

ance coverage. And so we have a real challenge before us to entice or to incentivize them to join, because if they join into the plan, we can work through preventive health care and early diagnostic care to prevent them from disease down the road, and also their dollars up front will help fund the last 10 million, which is the most critical 10 million, and that is older adults who are not Medicare age who do not have affordable accessibility to health care coverage, and therein lies a problem. They are not the poor. They are not the elderly. And they are not people that work for corporations. They are small business owners and their employees, a critical 10 million population that are finding their ways into the emergency rooms late in their illness with outcomes poor, far more cost required. And of course we physicians and hospitals have a mandate to provide care to them regardless of their ability to pay, which is a noble American concept. But the problem is, that cost has to be passed on to others, taxpayers, those who are paying their insurance subscription rates. And I'm sure we, as Americans, are willing to do that to an extent. But if you take those same dollars and you allow these people to get insurance and early preventive care, have a medical home, a family doctor, those costs will collapse. They don't have to be the high-price, low-yield kind of care that they get through the emergency room.

And lastly, I think it is important that we look at reforming health care laws where we can allow physicians and hospitals and other providers to come together to begin to work together and to compete to lower the overall cost of health care rather than having it being dictated from Washington, which as I pointed out, is really a very poor way to try to cut costs.

And then finally, that we do away, remove from the lexicon, the idea and even the verbiage that says "pre-existing illness." There should never be that term used ever again.

□ 1745

In conclusion, I just want to emphasize the need to remove the term "pre-existing illness" from the lexicon and that we make it easy and affordable for all Americans to access the health care system; but as I say, I think we all tonight would agree that that is done much better through a private plan rather than through a government plan. I know that we hear some rhetoric about, well, let's have both a private plan and a public plan—and I'm sure that my colleagues tonight will expand on this—but if you have one plan that's controlled and subsidized by the government, whose responsibility it is to be sure that there's an even playing field in the competitive arena, we know that the public plan will always receive advantages and benefits, and the private plan will then atrophy. I think it's far better to work through the private arena and to let

the government do what it does best, and that is to protect its citizens and to ensure an even playing field.

With that, I yield back to my friend from Tennessee.

Mr. ROE of Tennessee. Thank you, Dr. FLEMING, and thank you for those great comments.

For the public, we have had, for the last several weeks and months, a physician's caucus that has met now sometimes one and two times a week to discuss this ongoing health care debate. With us tonight here is one of the leaders in that caucus, Dr. PHIL GINGREY, who happens to just have the same specialty as I do, and he has been very heavily involved in the health care debate over the past several years, so I will yield now to Dr. PHIL GINGREY from Georgia.

Mr. GINGREY of Georgia. Mr. Speaker, I thank the gentleman for yielding. It's a pleasure to be on the floor with my colleagues, with my physician colleagues, who are part of the GOP Doctors Caucus. I think, among us, we have something like 335 years of clinical experience, so we do feel that we bring to the body, to this great House of Representatives, some useful information, some practical information, not highbrow, academic, research-based information. I think we're just talking about, for the most part, the meat and potatoes practice of medicine, different specialties.

We just heard from our colleague from Louisiana, Dr. FLEMING—a family practitioner for many years. Dr. ROE from Tennessee is a long-term practitioner of obstetrics and gynecology, as am I, and we have a number of orthopedists in our GOP Doctors Caucus. So we bring a broad spectrum of experience.

You know, as we look at this issue of health care reform, the main thing is the urgency that the Democrat majority has placed upon it to the extent that the Speaker, the majority leader, and the President want a health care reform bill by the time that we leave here for the traditional August recess. Here we are in mid-May, so we're talking about, maybe, 2½ months away. It's going to be awfully tough to do that. Although, Mr. Speaker and my colleagues, we have been doing a lot of work on both sides of the aisle. Unfortunately, it has not been done in a bipartisan way. Those of us in the minority, the Republican Party, have really not been privy to too many details about what is in the Democratic majority's plan for health care reform; but we can read; we can watch television; we can listen, and we can pay attention. Indeed, there have been some trips over to the White House to commiserate with the new Commander in Chief, our President, about ideas.

The former majority leader of the Senate and the almost Secretary of Health and Human Services—and I'm talking about Senator Tom Daschle—wrote that book called "Critical" where he kind of outlines what he

thinks the blueprint for health care reform should be. So we're getting little inklings.

I'll tell you, Mr. Speaker, the main thing that we're opposed to, and I think that I speak for all of my colleagues, I know, in the Republican GOP Doctors Caucus but probably for most of my colleagues on this side of the aisle no matter what their profession. We do not want to overreact to a problem, to a problem of too many people not being able to afford health insurance, to an overall problem of the cost of health care and to those insurance policies, 150 million of them probably provided by employers. Many of these employers are small, mom-and-pop companies, and they just can't afford it. They can't afford to continue to pay those premiums that are increasing by double-digit rates from year to year.

So that's the problem, and we all understand that people don't have access because they can't afford it. In some instances, they don't have access because they have preexisting conditions, but we don't have to overreact. I don't know why it is that, in Congress, everything has to be a knee-jerk response where you just absolutely have to throw the whole kitchen sink at every problem. It may be because the media, in some instances, ginned it up almost to the point of hysteria. Then there are a lot of public opinion polls taken and a lot of push, and the next thing you know, you've spent \$2 billion in preparing the country for swine flu and in producing a vaccine that probably will never be used, and if it is used, it will have the potential of doing a lot more harm than good.

I don't want to say that we overreacted to Katrina. I don't think we did, but—gosh—we did buy a whole lot of trailers, sitting somewhere down there in Louisiana, that are soaked with formaldehyde because the construction was rushed.

You know, in a lot of instances up here, we create, I think, more problems than we solve. There was an old adage, Mr. Speaker, in OB/GYN—and I think Dr. ROE has probably heard this one, too, because he's also an OB/GYN practitioner. Most people want to say, "Don't just sit there. Do something." How many times have we heard that expression up here? I mean, people will call and say, "For goodness sakes, why don't you all do something? Don't just sit there. Do something even if it's wrong."

For Dr. ROE and I, our motto was "Don't just do something. Sit there." I'm talking about late at night when you're waiting for a lady to have a baby, and if you just leave her alone, she'll have that baby, and all you'll have to do is catch it, and if you start meddling and trying to push things and rush things and overreact, you cause some problems, don't you, Dr. ROE?

I yield to the gentleman.

Mr. ROE of Tennessee. We used to say, "Smoke a long cigar."

Mr. GINGREY of Georgia. "Smoke a long cigar." That's right. A "covered

wagon" I think they called those things back when I was a kid.

Mr. Speaker, that's what I want to bring to this discussion tonight. We need to be very careful not to overreact. We don't need a government-run program to solve this problem. We do have too many who are uninsured. There are various and sundry reasons why they don't have health insurance. Yes, some of them are not poor enough to be eligible for Medicaid, so they missed that safety net. They're not old enough to be eligible for Medicare, so they missed that safety net. They just have enough money, but they can't afford expensive health insurance. We can do things to help them without turning this great health care system that we have—lock, stock and barrel—over to the Federal Government.

Right now, part of the reason for lack of access and affordability is that the private market and the physicians who practice in that venue have a tendency to do too much. Maybe they order too many tests. Maybe they order duplicate tests because they don't know that the doctor down the street or in the next county had done the very same test a month ago. There are no electronic medical records for at least 300,000 doctors in this country, so we're a long way from having fully integrated electronic medical records where, every time that patient comes into your office or into the emergency room, you know exactly what they've had, what you should order and what you shouldn't order.

So that's all part of the problem, but we can deal with this without having a government default program, because what happens is, in that instance, you're going to say, well, I'm going to solve this problem because the doctors and the hospitals are doing too much and are running up the cost, and so you turn it over to the Federal Government. What do they do? They do too little. They do too little. They begin to ration just like they do in other countries, like in the U.K. and like our great friends to the north and like other countries that have experienced that for many years. The only way they can pay for those systems is by rationing and by long queues. What happens? If they can afford to, a lot of those people come to this country for care. A lot of their doctors move to this country where they can practice medicine and can make a decent living.

So I just wanted to touch on that. I will yield back to Dr. ROE, who is controlling the time.

My friend from Georgia, Dr. PAUL BROWN, is on the floor. I know he'll want to talk and will want to bring some intelligence to this issue, but let's just say this as my closing remarks:

I don't want to just do something even if it's wrong. I'm willing to sit there, to think and to hear from a lot of different folks who are experts on how we can best solve this problem, on how we can deal with this, whether

they're the hospital associations, whether they're the insurance companies, whether they're the pharmaceutical companies or whether they're the doctors who've practiced for many, many years. I think we can come up with the answer, and I think we can do it a whole lot better.

The final expression that I'll throw out there, Mr. Speaker, to you and my colleagues is the one that everybody has heard: "Don't throw the baby out with the bathwater." We are on the verge of doing that. That would be a horrible thing for this country to take a great health care delivery system that needs some tweaking and that we can do in a bipartisan way without turning it over—lock, stock and barrel—to the Federal Government. They do a lousy job at running a lot of programs, and I certainly don't want them deciding what needs to be ordered and to come between the doctor and the patient in the exam room.

With that, I'm going to yield back to Dr. ROE of Tennessee.

Mr. ROE of Tennessee. Thank you, Dr. GINGREY. Thank you for those comments.

I think one of the things that has concerned me the more I have watched this system and have watched this debate go on is, since I've been here, I've had one of the health care think tanks in my office about every week or so to discuss this issue, and it is incredibly complicated. That's why we cannot do it rapidly, because it is so complicated.

I'll now recognize my colleague from Georgia, Dr. PAUL BROWN.

Dr. BROWN.

Mr. BROWN of Georgia. I thank you, Dr. ROE, for yielding me some time.

I want to make sure that the American people know what we're talking about. We on the Republican side are offering alternatives for the health care financing problems we have in America, and they are huge. People cannot afford to buy insurance. There are a number of people who are struggling just to have halfway decent health care insurance coverage, and that is a huge problem that we need to fix, and we need to do it as quickly as we can.

I agree with Dr. GINGREY, my colleague from Georgia, that we can fix that system. We need to, and we need to do it as quickly as we possibly can. Yet what's being proposed from the other side of the aisle, from the Democrat side, is to set up a Washington-based health care system where health care decisions are going to be made by some bureaucrat here in Washington, D.C. That bureaucrat will tell your doctor how he can deliver your care—what care he can give you and when he can give it to you.

What that's going to do is take away your choice. You may not have a choice of your doctor. You may not have a choice of what hospital you go to. You may not have a choice of whether you can even get some kind of procedure or a test or not. What it's

going to do is it's going to delay your being able to get those tests and those procedures even if the Federal bureaucrat says that you may have them.

We can't go down that road. It's going to destroy the quality of health care. It's going to destroy the health provisions that you're getting today as an American. I don't want that, and I'm sure you don't want that. I'm sure Dr. ROE doesn't want that. I'm sure no physician, at least on our side of the aisle, wants that kind of a health care system to deliver your health to you by some Washington bureaucrat. We've got to stop that, and it's up to the American people to do so.

We're offering alternatives, many alternatives. I know one of our colleagues I talked to today is introducing a bill tomorrow that is going to be a health care reform bill. Our health care working group is developing a plan. I'm developing one in my office also that's independent of everything else, but we need to develop a solution that is patient-centered, not Washington-centered. We need to develop a plan that gives the American people the choice—the choice of their doctor, the choice of their hospital, the choice of whether they get a procedure or not. It should not be made by some Washington bureaucracy or bureaucrat or Federal bureaucrat anywhere, whether it is in Atlanta—in my own State—or in Knoxville or anyplace else.

□ 1800

We've got to develop a health care system that is patient-centered to give patients the choices that they deserve and they desperately need. We, as Republicans, are going to give you that opportunity. The opportunity is not going to be available from the other side of the aisle. They're developing a socialized medicine program, a Washington-based health care system to give your health to you by some Washington bureaucrat, not by a doctor.

And the American people need to know that very clearly, Dr. ROE, because they have a choice. Is it a choice between a Washington-based health care system, or is it a choice of a patient-centered health care system where those decisions are made in the doctor-patient relationship? And that is what we're offering.

And I'm just encouraging the American citizens all over this country to write their Congressmen, write their Senators and demand a patient-centered health care system. Demand that our alternatives are heard.

NANCY PELOSI has blocked—she has been an obstructionist for every single alternative that we've offered whether it's for energy, whether it's for environmental issues, whether it's spending, whether it's straightening out this economic situation, as well as the health care solution. She has been an obstructionist. She's blocked every attempt we've made to deliver to the American people alternatives that make sense from an economic perspec-

tive as well as a market-based perspective.

So we need to give our plans the light of day. And the American people are going to have to demand that, Dr. ROE. It's the only way it's going to happen. And I encourage people to contact their Members of Congress and demand that we slow this steamroll of socialism, as I'm calling it, this rolling over—the financial services industry is rolling over the car manufacturing; it's rolling over now the health delivery system. And we, as Americans, need to demand that all alternatives are heard, that we have the time to put something in place that makes sense to give patients the choice that they need.

So I congratulate you for doing this. It's absolutely critical for the future of health care. If we continue down this road that the Democrats have taken, it's going to destroy the quality of health that we deliver as physicians to our patients, that you did as a practitioner for so many years and I have, also, for so many years. So I thank you so much.

Mr. ROE of Tennessee. Dr. BROWN, thank you for your comments.

And just to summarize and sum up. I think our time is just about gone.

This is just the beginning of this debate. It is a very important debate for the American people. We just got through a few of the principles tonight. We will continue those at another time.

But I thank Dr. BROWN for being here, and I thank the Speaker.

I yield back the balance of my time.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate concurs in the House amendment to the bill (S. 896) "An Act to prevent mortgage foreclosures and enhance mortgage credit availability."

RECESS

The SPEAKER pro tempore (Mr. HEINRICH). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 6 o'clock and 5 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1828

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HEINRICH) at 6 o'clock and 28 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 627, CREDIT CARDHOLDERS' BILL OF RIGHTS ACT OF 2009

Ms. PINGREE of Maine, from the Committee on Rules, submitted a privileged report (Rept. No. 111-120) on the resolution (H. Res. 456) providing for consideration of the Senate amendment to the bill (H.R. 627) to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2352, JOB CREATION THROUGH ENTREPRENEURSHIP ACT OF 2009

Ms. PINGREE of Maine, from the Committee on Rules, submitted a privileged report (Rept. No. 111-121) on the resolution (H. Res. 457) providing for consideration of the bill (H.R. 2352) to amend the Small Business Act, and for other purposes, which was referred to the House Calendar and ordered to be printed.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. CONNOLLY of Virginia) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Ms. WATSON, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Ms. FOXX) to revise and extend their remarks and include extraneous material:)

Mr. FORTENBERRY, for 5 minutes, today.

Ms. FOXX, for 5 minutes, today.

(The following Member (at his request) to revise and extend his remarks and include extraneous material:)

Mr. MANZULLO, for 5 minutes, today.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced her signature to an enrolled bill of the Senate of the following title:

S. 386. An act to improve enforcement of mortgage fraud, securities and commodities fraud, financial institution fraud, and other frauds related to Federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes.

ADJOURNMENT

Ms. PINGREE of Maine. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 30 minutes p.m.), the House adjourned until tomorrow, Wednesday, May 20, 2009, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1884. A letter from the Regulatory Specialist, LRAD, Department of the Treasury, transmitting the Department's final rule — Fair Credit Reporting Affiliate Marketing Regulations; Identity Theft Red Flags and Address Discrepancies Under the Fair and Accurate Credit Transactions Act of 2003 [Docket ID: OCC-2009-0001] (RIN: 1557-AD14) received May 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1885. A letter from the Secretary, Department of Transportation, transmitting the Department's fiscal year 2008 Annual Report as required by the Superfund Amendments and Reauthorization Act of 1986 (SARA); to the Committee on Energy and Commerce.

1886. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

1887. A letter from the Acting Assoc. Gen. Counsel for General Law, Department of Homeland Security, Federal Emergency Management Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1888. A letter from the Deputy General Counsel, Office of National Drug Control Policy, Executive Office of the President, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1889. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Prevailing Rate Systems; Redefinition of Certain Appropriated Fund Federal Wage System Wage Areas (RIN: 3206-AL77) received May 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

1890. A letter from the Deputy Director, Office of Regulations, Social Security Administration, transmitting the Administration's final rule — Testimony by Employees and the Production of Records and Information in Legal Proceedings, Claims Against the Government Under the Federal Tort Claims Act, and Claims Under the Military Personnel and Civilian Employees' Claim Act of 1964; Change of Address for Requests [Docket No.: SSA-2009-0015] (RIN: 0960-AG99) received May 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

1891. A letter from the Acting Assoc. Gen. Counsel for General Law, U.S. Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1892. A letter from the Acting Assoc. Gen. Counsel for General Law, U.S. Department of Homeland Security, Federal Emergency Management Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1893. A letter from the Acting Assoc. Gen. Counsel for General Law, U.S. Department of Homeland Security, Office of the General Counsel, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1894. A letter from the Acting Assoc. Gen. Counsel for General Law, U.S. Department of Homeland Security, U.S. Immigration and

Customs Enforcement, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1895. A letter from the Acting Special Counsel, U.S. Office of Special Counsel, transmitting the Office's fiscal year 2008 annual report required by Section 203, Title II of the No FEAR Act, Pub. L. 107-174; to the Committee on Oversight and Government Reform.

1896. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Secretarial Final Interim Action [Docket No.: 090224229-9245-01] (RIN: 0648-AX72) received May 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1897. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Red Bull Air Races; San Diego Bay, San Diego, CA [Docket No.: USCG-2009-0119] (RIN: 1625-AA00) received May 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1898. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; St. Thomas Harbor, Charlotte Amalie, U.S.V.I. [Docket No.: USCG-2009-0179] (RIN: 1625-AA00) received May 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1899. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Allegheny River, Pittsburgh, PA [Docket No.: USCG-2009-0149] (RIN: 1625-AA00) received May 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1900. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Allegheny River, Pittsburgh, PA [Docket No.: USCG-2009-0175] (RIN: 1625-AA00) received May 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1901. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Barge BDL235, Pago Pago Harbor, American Samoa [Docket No.: USCG-2009-0159] (RIN: 1625-AA00) received May 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1902. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Crewmember Identification Documents [Docket No.: USCG-2007-28648] (RIN: 1625-AB19) received May 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1903. A letter from the Attorney, Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Mill Creek, Fort Monroe, VA, USNORTHCOM Civic Leader Tour and Aviation Demonstration [Docket No.: USCG-2009-0263] (RIN: 1625-AA00) received May 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1904. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety

Zone; Blue Water Resort and Casino APBA National Tour Rounds 1 & 2; Colorado River, Parker AZ [Docket No.: USCG-2008-1220] (RIN: 1625-AA00) received May 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1905. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Alternate Compliance Program: Vessel Inspection Alternatives [Docket No.: USCG-2004-19823] (RIN: 1625-AA92) received May 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1906. A letter from the Federal Register Liaison Officer, Department of Veterans Affairs, transmitting the Department's final rule — Reimbursement for Interment Costs (RIN: 2900-AM98) received May 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

1907. A letter from the Chief, Border Security Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — EXTENSION OF PORT LIMITS OF ST. LOUIS, MISSOURI [[USCBP-2005-0035] [CBP Dec. 09-16]] received May 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1908. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's report on applications made by the Government during calendar year 2008 for authority to conduct electronic surveillance and physical search for foreign intelligence, pursuant to Sections 1807 and 1862 of the Foreign Intelligence Surveillance Act of 1978, as amended and Public Law 109-177, section 118; jointly to the Committees on the Judiciary and Intelligence (Permanent Select).

1909. A letter from the Inspector General, Railroad Retirement Board, transmitting the fiscal year 2010 Congressional Budget Justification for the Office of the Inspector General of the Railroad Retirement Board; jointly to the Committees on Appropriations, Transportation and Infrastructure, and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FILNER: Committee on Veterans' Affairs. H.R. 466. A bill to amend title 38, United States Code, to prohibit discrimination and acts of reprisal against persons who receive treatment for illnesses, injuries, and disabilities incurred in or aggravated by service in the uniformed services; with amendments (Rept. 111-118). Referred to the Committee of the Whole House on the State of the Union.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 915. A bill to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2009 through 2012, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; with an amendment (Rept. 111-119 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Ms. PINGREE of Maine: Committee on Rules. House Resolution 456. Resolution providing for the consideration of the Senate amendment to the bill (H.R. 627) to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end con-

sumer credit plan, and for other purposes (Rept. 111-120). Referred to the House Calendar.

Mr. POLIS: Committee on Rules. House Resolution 457. Resolution providing for consideration of the bill (H.R. 2352) to amend the Small Business Act, and for other purposes (Rept. 111-121). Referred to the House Calendar.

Ms. ZOE LOFGREN of California: Committee on Standards of Official Conduct. Report of the Committee on Standards of Official Conduct (Rept. 111-122). Referred to the House Calendar.

Mr. THOMPSON of Mississippi: Committee on Homeland Security. H.R. 2200. A bill to authorize the Transportation Security Administration's programs relating to the provision of transportation security, and for other purposes; with an amendment (Rept. 111-123). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII, the Committee on Science and Technology discharged from further consideration. H.R. 915 referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. COFFMAN of Colorado (for himself, Mr. ALEXANDER, Mr. BILBRAY, Mr. BURTON of Indiana, Mr. POE of Texas, and Mr. LAMBORN):

H.R. 2472. A bill to prevent the fraudulent use of social security account numbers by allowing the sharing of social security data among agencies of the United States for identity theft prevention and immigration enforcement purposes, and for other purposes; to the Committee on the Judiciary.

By Ms. TSONGAS:

H.R. 2473. A bill to improve Department of Defense policies relating to body armor; to the Committee on Armed Services.

By Mr. MCKEON (for himself, Mr. DREIER, Mr. HUNTER, Mr. MCCLINTOCK, Mr. LEWIS of California, Mr. GALLEGLY, Mr. HERGER, Mr. ROHRBACHER, Mr. CALVERT, Mr. ROYCE, Mr. RADANOVICH, Mr. DANIEL E. LUNGREN of California, Mrs. BONO MACK, Mr. GARY G. MILLER of California, Mr. BILBRAY, Mr. ISSA, Mr. NUNES, Mr. CAMPBELL, Mr. MCCARTHY of California, and Mr. THOMPSON of California):

H.R. 2474. A bill to amend title 38, United States Code, to provide that in the case of an individual entitled to educational assistance under the Post-9/11 Educational Assistance program who is enrolled at an institution of higher education in a State in which the public institutions charge only fees in lieu of tuition, the Secretary of Veterans Affairs shall allow the individual to use all or any portion of the amounts payable for the established charges for the program of education to pay any amount of the individual's tuition or fees for that program of education; to the Committee on Veterans' Affairs.

By Ms. ROS-LEHTINEN:

H.R. 2475. A bill to authorize appropriations for the Department of State for fiscal years 2010 and 2011, to modernize the Foreign Service, and for other purposes; to the Committee on Foreign Affairs.

By Ms. DEGETTE (for herself and Mrs. MCMORRIS RODGERS):

H.R. 2476. A bill to amend the National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System land that are subject to ski area permits, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DENT (for himself, Mr. DANIEL E. LUNGREN of California, and Mr. SOUDER):

H.R. 2477. A bill to provide for an extension of the authority of the Secretary of Homeland Security to regulate the security of chemical facilities; to the Committee on Energy and Commerce.

By Mr. MCGOVERN (for himself, Mr. ROYCE, and Mr. MILLER of North Carolina):

H.R. 2478. A bill to support stabilization and lasting peace in northern Uganda and areas affected by the Lord's Resistance Army through development of a regional strategy to support multilateral efforts to successfully protect civilians and eliminate the threat posed by the Lord's Resistance Army and to authorize funds for humanitarian relief and reconstruction, reconciliation, and transitional justice, and for other purposes; to the Committee on Foreign Affairs.

By Ms. BERKLEY:

H.R. 2479. A bill to amend title XVIII of the Social Security Act to modify the designation of accreditation organizations for prosthetic devices and orthotics and prosthetics, to apply accreditation and licensure requirements to such devices and items for purposes of payment under the Medicare Program, and to modify the payment rules for such devices and items under such program to account for practitioner qualifications and complexity of care; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MORAN of Virginia (for himself, Mrs. BONO MACK, Mr. MOORE of Kansas, Mr. BROWN of South Carolina, Ms. WOOLSEY, Mr. COHEN, Mr. GEORGE MILLER of California, Mr. BLUMENAUER, Mr. FARR, Mr. MCCOTTER, Mr. HINCHEY, Mr. KUCINICH, Mr. SHERMAN, Mr. KING of New York, and Mr. PLATTS):

H.R. 2480. A bill to improve the accuracy of fur product labeling, and for other purposes; to the Committee on Energy and Commerce.

By Ms. ROS-LEHTINEN (for herself, Mr. MCHUGH, Mr. HOEKSTRA, Mr. LEWIS of California, Mr. KING of New York, Mr. BOEHNER, Mr. CANTOR, and Mr. PENCE):

H.R. 2481. A bill to require the President to develop a comprehensive interagency strategy and implementation plan for long-term security and stability in Pakistan, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Intelligence (Permanent Select), and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ROS-LEHTINEN (for herself, Mr. MCHUGH, Mr. HOEKSTRA, Mr. LEWIS of California, Mr. KING of New York, Mr. BOEHNER, Mr. CANTOR, and Mr. PENCE):

H.R. 2482. A bill to require the President to develop a comprehensive interagency strategy and implementation plan for long-term security and stability in Afghanistan, and for other purpose; to the Committee on Foreign Affairs, and in addition to the Committees on Armed Services, and Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHERMAN (for himself, Mr. GARY G. MILLER of California, Mr. FRANK of Massachusetts, Mr. GRAYSON, Mrs. HALVORSON, Ms. HARMAN, Ms. SPEIER, Mrs. CAPPS, Mr. CULBERSON, Mr. ROHRBACHER, Mr. CUMMINGS, Mr. SCHIFF, Mr. MCNERNEY, Mr. ABERCROMBIE, Mr. GEORGE MILLER of California, Mr. CARDOZA, Mrs. TAUSCHER, Mr. FILLNER, Mr. BILBRAY, Mr. HONDA, Mr. BERMAN, Mrs. BONO MACK, Mrs. MALONEY, Mr. CAMPBELL, Mr. ACKERMAN, Mr. GALLEGLY, Mr. DREIER, Mr. FARR, Mr. BISHOP of New York, Ms. WATERS, Ms. ESHOO, and Mr. HALL of New York):

H.R. 2483. A bill to permanently increase the conforming loan limits for the Federal Home Loan Mortgage Corporation and the Federal National Mortgage Association and the FHA maximum mortgage amount limitations; to the Committee on Financial Services.

By Mr. CAO (for himself, Mr. MELANCON, Mr. SCALISE, Mr. CASSIDY, Mr. FLEMING, Mr. BOUSTANY, and Mr. ALEXANDER):

H.R. 2484. A bill to provide for disaster assistance for power transmission and distribution facilities, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. ELLISON (for himself, Mr. BISHOP of Georgia, Mr. CARSON of Indiana, Mr. PETERSON, Mr. WALZ, Mr. WELCH, Mr. TONKO, and Ms. CLARKE):

H.R. 2485. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to include nongovernmental and volunteer firefighters, ground and air ambulance crew members, and first responders for certain benefits; to the Committee on the Judiciary.

By Mr. GOHMERT:

H.R. 2486. A bill to amend title 10, United States Code, to provide for support of funeral ceremonies for veterans provided by details that consist solely of members of veterans organizations and other organizations, and for other purposes; to the Committee on Armed Services.

By Mr. GOHMERT:

H.R. 2487. A bill to direct the Secretary of Defense to conduct a study on the feasibility of using military identification numbers instead of social security numbers to identify members of the Armed Forces; to the Committee on Armed Services.

By Mr. HEINRICH:

H.R. 2488. A bill to require the Secretary of Defense to modify the Certificate of Release or Discharge from Active Duty (DD Form 214) in order to permit a member of the Armed Forces, upon discharge or release from active duty in the Armed Forces, to include an email address on the form; to the Committee on Armed Services.

By Ms. HERSETH SANDLIN (for herself and Mr. LATOURETTE):

H.R. 2489. A bill to authorize a comprehensive national cooperative geospatial imagery mapping program through the United States Geological Survey, to promote use of the program for education, workforce training and development, and applied research, and

to support Federal, State, tribal, and local government programs; to the Committee on Natural Resources.

By Mr. KENNEDY (for himself, Mr. KAGEN, and Mr. PATRICK J. MURPHY of Pennsylvania):

H.R. 2490. A bill to amend the Internal Revenue Code of 1986 to allow certain small businesses to defer payment of tax; to the Committee on Ways and Means.

By Mr. KING of New York:

H.R. 2491. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income any enlistment, accession, reenlistment, retention, or incentive bonus paid to a member of the Armed Forces; to the Committee on Ways and Means.

By Mr. LEVIN (for himself, Mr. TIBERI, Mr. GEORGE MILLER of California, Mr. NEAL of Massachusetts, Mr. HINOJOSA, and Mr. DAVIS of Illinois):

H.R. 2492. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income discharges of student loans the repayment of which is income contingent or income based; to the Committee on Ways and Means.

By Mr. MASSA (for himself, Mr. TONKO, Mr. MCMAHON, Mr. WEXLER, Mr. BISHOP of New York, Mrs. MALONEY, and Mr. MAFFEI):

H.R. 2493. A bill to prevent wealthy and middle-income foreign states that do business, issue securities, or borrow money in the United States, and then fail to satisfy United States court judgments totaling \$100,000,000 or more based on such activities, from inflicting further economic injuries in the United States, from undermining the integrity of United States courts, and from discouraging responsible lending to poor and developing nations by undermining the secondary and primary markets for sovereign debt; to the Committee on Financial Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCHUGH:

H.R. 2494. A bill to designate 4 counties in the State of New York as high-intensity drug trafficking areas, and to authorize funding for drug control activities in those areas; to the Committee on the Judiciary.

By Mr. MOORE of Kansas (for himself, Mr. DUNCAN, Mr. BOYD, and Mr. HILL):

H.R. 2495. A bill to amend title 40, United States Code, to enhance authorities with regard to real property that has yet to be reported excess, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. PATRICK J. MURPHY of Pennsylvania (for himself and Mr. TIM MURPHY of Pennsylvania):

H.R. 2496. A bill to amend title XXI of the Social Security Act to improve access to the children's health insurance program (CHIP) by providing exemptions to CHIP eligibility waiting period requirements; to the Committee on Energy and Commerce.

By Mr. NADLER of New York:

H.R. 2497. A bill to amend title 49, United States Code, to expand and improve transit training programs; to the Committee on Transportation and Infrastructure.

By Mr. OBERSTAR:

H.R. 2498. A bill to designate the Federal building located at 844 North Rush Street in Chicago, Illinois, as the "William O. Lipinski Federal Building"; to the Committee on Transportation and Infrastructure.

By Mr. PIERLUISI (for himself, Mr. ABERCROMBIE, Mr. ARCURI, Mr. BAIRD, Ms. BERKLEY, Mr. BERMAN, Ms.

BORDALLO, Mr. BOUSTANY, Ms. CORRINE BROWN of Florida, Mr. BROWN of South Carolina, Mr. BURTON of Indiana, Mr. BUTTERFIELD, Mr. CARDOZA, Mr. CASTLE, Ms. CLARKE, Mr. CONNOLLY of Virginia, Mr. CONYERS, Mr. COSTA, Mr. CUELLAR, Mr. DELAHUNT, Mr. DENT, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. DOYLE, Mr. ENGEL, Mr. FALEOMAVAEGA, Mr. FARR, Mr. FATTAH, Mr. FLAKE, Ms. FUDGE, Mr. GERLACH, Mr. GRAYSON, Mr. GENE GREEN of Texas, Mr. HARE, Mr. HASTINGS of Florida, Mr. HIGGINS, Mr. HINCHEY, Mr. HOYER, Ms. JACKSON-LEE of Texas, Mr. JOHNSON of Georgia, Ms. KAPTUR, Mr. KENNEDY, Mr. KILDEE, Ms. KILPATRICK of Michigan, Mr. KLEIN of Florida, Mr. KRATOVL, Ms. LEE of California, Mr. LEWIS of Georgia, Mr. DANIEL E. LUNGREN of California, Mr. MACK, Mr. MAFFEI, Ms. MARKEY of Colorado, Mr. MASSA, Mr. MCGOVERN, Mr. MCCAUL, Mr. MICA, Mr. MOLLOHAN, Mr. MORAN of Virginia, Ms. NORTON, Mr. OLVER, Mr. ORTIZ, Mr. PENCE, Mr. POE of Texas, Mr. POLIS of Colorado, Mr. PUTNAM, Mr. RAHALL, Mr. REYES, Mr. RODRIGUEZ, Ms. ROS-LEHTINEN, Mr. SABLON, Mr. SALAZAR, Ms. LORETTA SANCHEZ of California, Mr. SHULER, Mr. SMITH of Washington, Mr. STARK, Mr. TAYLOR, Mr. THOMPSON of Mississippi, Mr. TONKO, Mr. WALZ, Ms. WASSERMAN SCHULTZ, Ms. WATSON, Mr. WATT, Mr. WAXMAN, Mr. WESTMORELAND, Mr. WEXLER, Mr. WILSON of South Carolina, Mr. WU, Mr. YARMUTH, and Mr. YOUNG of Alaska):

H.R. 2499. A bill to provide for a federally sanctioned self-determination process for the people of Puerto Rico; to the Committee on Natural Resources.

By Mr. PITTS (for himself, Mr. MICHAUD, and Mr. WITTMAN):

H.R. 2500. A bill to amend the Internal Revenue Code of 1986 to allow nontaxable employer matching contributions to section 529 college savings plans; to the Committee on Ways and Means.

By Mr. POMEROY (for himself and Mr. PAULSEN):

H.R. 2501. A bill to amend title XVIII of the Social Security Act to extend reasonable cost contracts under Medicare; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHRADER (for himself, Mr. MCMAHON, Mr. CONNOLLY of Virginia, Mr. KIND, Mrs. HALVORSON, Mr. CROWLEY, Ms. SCHWARTZ, Mr. HIMES, Mr. ALTMIRE, Ms. BEAN, Mrs. TAUSCHER, and Mrs. DAVIS of California):

H.R. 2502. A bill to amend title XI of the Social Security Act to provide for the conduct of comparative effectiveness research and to amend the Internal Revenue Code of 1986 to establish a Comparative Effectiveness Research Trust Fund, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SOUDER (for himself, Mr. MCCAUL, Mr. ROGERS of Alabama, Mrs. MILLER of Michigan, Mr. BILIRAKIS, Mr. DENT, Mr. AUSTRIA, Mr. KING of New York, and Mr. DANIEL E. LUNGREN of California):

H.R. 2503. A bill to amend title 49, United States Code, to require inclusion on the no fly list certain detainees housed at the Naval Air Station, Guantanamo Bay, Cuba; to the Committee on Homeland Security.

By Mr. TEAGUE:

H.R. 2504. A bill to amend title 38, United States Code, to provide for an increase in the annual amount authorized to be appropriated to the Secretary of Veterans Affairs to carry out comprehensive service programs for homeless veterans; to the Committee on Veterans' Affairs.

By Mr. TEAGUE:

H.R. 2505. A bill to direct the Secretary of Veterans Affairs to carry out a pilot program to utilize tele-health platforms to assist in the treatment of veterans living in rural areas who suffer from post traumatic stress disorder or traumatic brain injury; to the Committee on Veterans' Affairs.

By Mr. TEAGUE:

H.R. 2506. A bill to direct the Secretary of Defense to ensure the members of the Armed Forces receive mandatory hearing screenings before and after deployments and to direct the Secretary of Veterans Affairs to mandate that tinnitus be listed as a mandatory condition for treatment by the Department of Veterans Affairs Auditory Centers of Excellence and that research on the preventing, treating, and curing of tinnitus be conducted; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska (for himself and Mr. ABERCROMBIE):

H.R. 2507. A bill to direct the Secretary of Commerce to establish a demonstration program to adapt the lessons of providing foreign aid to underdeveloped economies to the provision of Federal economic development assistance to certain similarly situated individuals, and for other purposes; to the Committee on Natural Resources.

By Mr. FORTENBERRY (for himself and Mr. KAGEN):

H. Res. 458. A resolution expressing the sense of the House of Representatives that the Federal Government should encourage organic farming, gardening, local food production, and farmers' markets; to the Committee on Agriculture.

By Mr. ROSKAM (for himself and Mr. DAVIS of Illinois):

H. Res. 459. A resolution expressing support for designation of "National Safety Month"; to the Committee on Education and Labor.

MEMORIALS

Under clause 4 of Rule XXII, memorials were presented and referred as follows:

51. The SPEAKER presented a memorial of the House of Representatives of Oregon, relative to House Joint Memorial 4: Urging the President of the United States and the Congress to take action to pass legislation and appropriate funds for an orderly 90- to 120-day transition for National Guard members and National Guard Reservists to civilian life following active service; to the Committee on Armed Services.

52. Also, a memorial of the House of Representatives of Maine, relative to H.P. 938, JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS FOR INCREASED OVERSIGHT AND ACCOUNTABILITY FOR RECIPIENTS OF FEDERAL BAILOUT FUNDS; to the Committee on Financial Services.

53. Also, a memorial of the General Court of Massachusetts, relative to a resolution MEMORIALIZING CONGRESS TO COMMIT TO THE GOAL OF RE-EMPOWERING AMERICA WITH 100 PER CENT CLEAN ELECTRICITY IN THE NEXT 10 YEARS; to the Committee on Energy and Commerce.

54. Also, a memorial of the 61st Legislative Assembly of North Dakota, relative to HOUSE CONCURRENT RESOLUTION NO. 3042 expressing support for the public awareness of multiple sclerosis and urging the Congress of the United States to join in the movement in creating a world free of multiple sclerosis; to the Committee on Energy and Commerce.

55. Also, a memorial of the House of Representatives of Maine, relative to H.P. 925, JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO SUPPORT THE REFORM OF THE SOCIAL SECURITY OFFSETS; to the Committee on Ways and Means.

56. Also, a memorial of the House of Representatives of Oregon, relative to House Joint Memorial 2 Urging the President of the United States and the Congress to take action that: (a) Increases funding levels for the Local Veterans' Employment Representatives Program and the Disabled Veterans' Outreach Program; (b) Establishes a nationwide public works program in collaboration with state employment and military authorities that will provide jobs for veterans; and (c) Provides tax credits for employers that hire veterans and businesses that retrain veterans; jointly to the Committees on Veterans' Affairs and Ways and Means.

57. Also, a memorial of the House of Representatives of Maine, relative to H.P. 1004, JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND CONGRESS OF THE UNITED STATES TO SIGN LEGISLATION THAT ESTABLISHES A NATIONAL, UNIVERSAL, SINGLE-PAYOR NONPROFIT HEALTH CARE PLAN; jointly to the Committees on Energy and Commerce, Ways and Means, and Natural Resources.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. FILNER introduced a bill (H.R. 2508) to extend patent numbered 5,180,715 for a period of 2 years; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 22: Mr. COBLE, Mr. PIERLUISI, Mr. LATOURETTE, and Mr. TANNER.

H.R. 49: Mr. BILIRAKIS.

H.R. 147: Mr. YOUNG of Alaska and Mr. TOWNS.

H.R. 211: Mr. GRAYSON and Mr. HOLT.

H.R. 235: Mr. BURGESS, Mr. CARSON of Indiana, and Mr. RUSH.

H.R. 240: Mr. NEUGEBAUER.

H.R. 393: Mr. CULBERSON.

H.R. 433: Mr. PUTNAM.

H.R. 444: Mr. MCINTYRE, Mr. TEAGUE, and Mr. HALL of New York.

H.R. 482: Mr. PUTNAM.

H.R. 503: Ms. FUDGE and Mr. PASCRELL.

H.R. 510: Mr. KRATOUIL and Mr. MARCHANT.

H.R. 564: Ms. MATSUI.

H.R. 574: Mr. SCHIFF.

H.R. 593: Mr. DELAHUNT.

H.R. 606: Mr. OLVER.

H.R. 621: Mr. SCHAUER, Ms. Titus, Ms. GIFFORDS, and Mrs. LUMMIS.

H.R. 702: Mr. COURTNEY.

H.R. 745: Mr. HARPER, Mr. RAHALL, and Mr. CASSIDY.

H.R. 808: Mr. TONKO.

H.R. 816: Mr. DELAHUNT, Mr. CHAFFETZ, Mr. CALVERT, and Mr. FRANKS of Arizona.

H.R. 916: Mr. PRICE of Georgia.

H.R. 930: Ms. DELAURO, Mr. PUTNAM and Mr. SCHIFF.

H.R. 950: Mr. MCGOVERN.

H.R. 952: Mr. HEINRICH, Mr. LANGEVIN, Ms. VELÁZQUEZ, Ms. EDWARDS of Maryland, Mr. HASTINGS of Florida, Ms. SLAUGHTER, Mr. ARCURI, Mr. CARNEY, Mr. SHULER, and Mr. RUPPERSBERGER.

H.R. 997: Mr. BARRETT of South Carolina.

H.R. 1021: Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 1032: Mr. LANCE, Mrs. KIRKPATRICK of Arizona, and Mr. BARTLETT.

H.R. 1053: Mr. GOODLATTE.

H.R. 1135: Mr. THOMPSON of Pennsylvania.

H.R. 1158: Mr. WILSON of South Carolina, Mr. RADANOVICH, and Mr. GOODLATTE.

H.R. 1179: Mr. FARR, Mr. BOYD, Mr. BISHOP of New York, and Mr. GONZALEZ.

H.R. 1255: Mr. SMITH of New Jersey and Mr. OLSON.

H.R. 1330: Mr. CARSON of Indiana and Mr. GENE GREEN of Texas.

H.R. 1346: Mr. NYE.

H.R. 1428: Ms. CORRINE BROWN of Florida, and Mr. KAGEN.

H.R. 1441: Mr. BUTTERFIELD.

H.R. 1458: Mr. HOEKSTRA.

H.R. 1474: Mr. BISHOP of New York, Mr. PIERLUISI, and Mr. AL GREEN of Texas.

H.R. 1479: Mr. DELAHUNT, Ms. SCHAKOWSKY, and Mr. PASTOR of Arizona.

H.R. 1505: Ms. FALLIN.

H.R. 1528: Ms. MCCOLLUM, Mr. FARR, Mr. OBERSTAR, and Mr. HINCHEY.

H.R. 1530: Ms. MCCOLLUM, Mr. FARR, Mr. OBERSTAR, and Mr. HINCHEY.

H.R. 1531: Ms. MCCOLLUM, Mr. FARR, Mr. OBERSTAR, and Mr. HINCHEY.

H.R. 1545: Mr. SHADDEGG.

H.R. 1552: Mr. RODRIGUEZ, Ms. ZOE LOFGREN of California, Mr. HALL of New York, and Mr. CHILDERS.

H.R. 1587: Mr. DAVIS of Kentucky.

H.R. 1616: Mr. MURPHY of Connecticut, Mr. SMITH of Washington, Mr. HASTINGS of Florida, Mr. FATTAH, and Mr. JOHNSON of Georgia.

H.R. 1618: Mr. LEWIS of Georgia and Mr. SHERMAN.

H.R. 1660: Ms. MARKEY of Colorado.

H.R. 1684: Mr. WITTMAN, Mr. KING of Iowa, Mr. NUNES, Mr. MILLER of Florida, and Mrs. KIRKPATRICK of Arizona.

H.R. 1692: Mr. WITTMAN and Mr. WAMP.

H.R. 1700: Mr. SIRE.

H.R. 1708: Mrs. LOWEY and Mr. COHEN.

H.R. 1712: Mr. MANZULLO.

H.R. 1744: Mr. FLEMING and Mr. BOUSTANY.

H.R. 1751: Mr. TOWNS.

H.R. 1763: Mr. PAUL, Mrs. BACHMANN, and Mr. SOUDER.

H.R. 1826: Mr. ARCURI, Ms. SCHAKOWSKY, and Mr. MORAN of Virginia.

H.R. 1844: Mr. KENNEDY and Mrs. MALONEY.

H.R. 1912: Mr. WITTMAN and Mr. WEXLER.

H.R. 1934: Mr. CUMMINGS, Mr. WILSON of South Carolina, Mr. GERLACH, and Mr. LATOURETTE.

H.R. 1944: Mr. SAM JOHNSON of Texas.

H.R. 1964: Mr. HASTINGS of Florida and Mr. SERRANO.

H.R. 1993: Ms. SCHAKOWSKY.

H.R. 2000: Mr. SMITH of Washington.

H.R. 2006: Mr. ALTMIRE, Mr. BISHOP of New York and Mr. MCINTYRE.

H.R. 2014: Mr. TIAHRT, Mr. GRAVES, Mr. RUPPERSBERGER, Mrs. BACHMANN, Mr. SARBANES, Mr. LEWIS of Georgia, Ms. SPEIER,

Mrs. MCCARTHY of New York, Mrs. MILLER of Michigan, Mrs. SCHMIDT, Mr. ELLSWORTH, Mr. PETRI, Mr. MILLER of Florida, Mr. WALZ, Mr. MCINTYRE, Mr. BERRY, Mr. JOHNSON of Illinois, Mr. NEUGEBAUER, Mr. WITTMAN, Mr. REHBERG, and Ms. WASSERMAN SCHULTZ.

H.R. 2017: Mrs. MALONEY.
H.R. 2022: Mr. ROONEY.
H.R. 2031: Mr. PUTNAM.
H.R. 2055: Mr. FARR, Mr. MINNICK, Mr. DeFAZIO, Mr. SCHRADER, and Mr. WU.
H.R. 2067: Mr. NADLER of New York and Mrs. MCCARTHY of New York.

H.R. 2071: Mr. RANGEL.
H.R. 2076: Mr. QUIGLEY.
H.R. 2083: Mr. WITTMAN.
H.R. 2118: Mr. POSEY.
H.R. 2119: Mr. POSEY and Mrs. BACHMANN.
H.R. 2134: Mr. RANGEL, Mr. PAYNE, and Mr. MORAN of Virginia.

H.R. 2143: Mr. BOOZMAN.
H.R. 2169: Mrs. BACHMANN.
H.R. 2181: Ms. BERKLEY and Mr. MCGOVERN.
H.R. 2219: Mr. WITTMAN.
H.R. 2243: Mr. HINCHEY, Mr. OBERSTAR, Mr. BRADY of Pennsylvania, Mr. EDWARDS of Texas, Mr. WELCH, Mr. BRADY of Texas, Mr. ALTMIRE, and Mr. COURTNEY.

H.R. 2254: Mr. DELAHUNT.
H.R. 2294: Mr. BUYER, Mrs. LUMMIS, Mr. WHITFIELD, Mr. HUNTER, Mr. FORTENBERRY, Mr. KIRK, Mr. SCHOCK, Mr. THOMPSON of Pennsylvania, Ms. GINNY BROWN-WAITE of Florida, Mr. ROE of Tennessee, Mr. GUTHRIE, Mr. LANCE, Mr. SMITH of Nebraska, Mrs. CAPITO, Mr. POSEY, Mr. HARPER, Mr. DAVIS of Kentucky, Mr. SMITH of New Jersey, Mr. KING of Iowa, and Mr. BOOZMAN.

H.R. 2296: Mrs. BACHMANN, Mr. WITTMAN, Mr. CONAWAY, Mr. PAULSEN, and Mr. SESSIONS.

H.R. 2298: Mr. LEWIS of Georgia, Ms. SHEAPORTER, and Ms. GINNY BROWN-WAITE of Florida.

H.R. 2311: Mr. PAULSEN.
H.R. 2312: Mr. PAULSEN.
H.R. 2321: Mr. WITTMAN.
H.R. 2325: Mr. BARTON of Texas and Mr. PAUL.

H.R. 2328: Mr. LYNCH.
H.R. 2329: Mrs. LUMMIS, Mr. ENGEL, Mr. OLSON, and Ms. ZOE LOFGREN of California.

H.R. 2332: Mr. KISSELL.
H.R. 2338: Mr. WAMP, Mrs. MYRICK, Mrs. BACHMANN, and Ms. FALLIN.

H.R. 2355: Mr. HASTINGS of Florida, Ms. KILPATRICK of Michigan, and Ms. CORRINE BROWN of Florida.

H.R. 2368: Mr. BERMAN.
H.R. 2389: Mr. HALL of New York.
H.R. 2393: Mr. OLSON, Mr. PAULSEN, Mr. THORNBERRY, and Mr. MCKEON.
H.R. 2404: Mr. MASSA.

H.R. 2408: Ms. ROYBAL-ALLARD and Mr. HOEKSTRA.

H.R. 2414: Ms. MARKEY of Colorado.
H.R. 2422: Mr. BARTON of Texas, Mr. CUELLAR, Mr. CULBERSON, Ms. JACKSON-LEE of Texas, Mr. PAUL, Mr. RODRIGUEZ, and Mr. HENSARLING.

H.R. 2440: Mr. ROE of Tennessee.
H.R. 2450: Mr. LOBIONDO.
H.R. 2452: Mr. KIND, Mr. CROWLEY, and Ms. MARKEY of Colorado.

H.R. 2458: Mr. PAUL.
H.J. Res. 46: Mr. KAGEN and Mr. HOLT.
H.J. Res. 47: Mr. SIMPSON, Mr. MICHAUD, Mrs. MILLER of Michigan, Mr. TIAHRT, Mr. LATHAM, Mr. BOUSTANY, and Mr. YOUNG of Florida.

H. Con. Res. 21: Mr. BERMAN, Mr. MOORE of Kansas, Mr. COURTNEY, Mr. CAO, and Mr. AL-EXANDER.

H. Con. Res. 49: Mr. SKELTON, Mr. PRICE of North Carolina, Mr. CUMMINGS, Mr. LEWIS of California, and Mr. HERGER.

H. Con. Res. 109: Mr. BARROW, Mrs. CHRISTENSEN, Mr. NYE, Mr. BERMAN, Mr. MELANCON, Mr. BRALEY of Iowa, and Mr. HEINRICH.

H. Con. Res. 120: Mr. SESTAK.
H. Con. Res. 124: Mr. BOOZMAN.

H. Res. 6: Mr. JORDAN of Ohio and Mr. JONES.

H. Res. 22: Mr. YARMUTH.
H. Res. 57: Ms. EDDIE BERNICE JOHNSON of Texas, Ms. WATSON, Mr. SCOTT of Georgia, Mr. MILLER of North Carolina, Mr. CONNOLLY of Virginia, Mr. LOEBSACK, Mr. BECERRA, and Mr. SALAZAR.

H. Res. 156: Mr. DANIEL E. LUNGREN of California.

H. Res. 169: Mr. DUNCAN, Mr. MILLER of North Carolina, Mr. COHEN, Mr. ETHERIDGE, Mr. KIRK, Mr. MARCHANT, Mrs. MILLER of Michigan, Mr. ROGERS of Kentucky, Mr. SKELTON, Mr. MCGOVERN, Mr. ABERCROMBIE, Mr. MILLER of Florida, and Mr. CAMPBELL.

H. Res. 231: Mr. EHLERS, Mrs. MALONEY, Mr. BRALEY of Iowa, Mr. BURGESS, Mr. HOLT, and Mrs. BLACKBURN.

H. Res. 232: Mr. SESSIONS.
H. Res. 241: Mr. GARRETT of New Jersey.
H. Res. 244: Mr. GOODLATTE.

H. Res. 285: Mr. DELAHUNT, Mr. MCCOTTER, and Mr. PITTS.

H. Res. 314: Mr. SIREs, Mr. RYAN of Ohio, Mr. GRAYSON, Mr. HARE, Mrs. HALVORSON, Ms. EDWARDS of Maryland, Mr. ADLER of New Jersey, Mr. WEINER, Mr. CARNEY, and Mr. ROONEY.

H. Res. 323: Mr. ISSA.
H. Res. 327: Mr. LIPINSKI.

H. Res. 349: Mr. HASTINGS of Washington, Mr. SESTAK, Mr. ROSKAM, and Mr. CALVERT.
H. Res. 355: Mr. BARTLETT.

H. Res. 364: Mr. LOBIONDO.

H. Res. 394: Mr. BURGESS.

H. Res. 397: Mr. MILLER of Florida, Mr. BACHUS, Mr. YOUNG of Alaska, Mr. BLUNT, and Mr. GOHMERT.

H. Res. 404: Mr. YOUNG of Alaska.

H. Res. 411: Mr. CALVERT.

H. Res. 418: Mr. CALVERT, Mr. WILSON of South Carolina, Mr. LATOURETTE, Mr. BARTLETT, Mr. SHUSTER, Mr. CULBERSON, Mr. KINGSTON, Ms. FOX, Mr. TAYLOR, Mr. PERLMUTTER, Mr. LINCOLN DIAZ-BALART of Florida, Mr. SMITH of New Jersey, Mr. COBLE, Mr. MCCAUL, Mr. MANZULLO, Mr. BONNER, Mr. HALL of Texas, Mr. BARTON of Texas, Mr. HOEKSTRA, Mr. MORAN of Kansas, Ms. GINNY BROWN-WAITE of Florida, Mr. THORNBERRY, Mr. OLSON, Mr. TIBERI, Mr. LOBIONDO, Mr. NUNES, Mr. YOUNG of Florida, Mr. HASTINGS of Washington, Mr. LUCAS, Mr. COLE, Mr. PUTNAM, Mr. SIMPSON, Mr. CARTER, Mr. SENSENBRENNER, Mr. MCCOTTER, Mr. ROGERS of Michigan, Mr. FORTENBERRY, Mr. FRELINGHUYSEN, Mr. YOUNG of Alaska, and Mr. TIERNEY.

H. Res. 420: Ms. BORDALLO, Mr. RODRIGUEZ, Mr. BROWN of South Carolina, Mr. GUTHRIE, Mr. THOMPSON of Pennsylvania, Mr. POSEY, Mr. AUSTRIA, Mrs. BACHMANN, Mr. HELLER, Mr. DUNCAN, Ms. ROS-LEHTINEN, Mr. MILLER of Florida, Mr. MCHENRY, and Mr. ROE of Tennessee.

H. Res. 426: Mr. POE of Texas.

H. Res. 430: Mr. WILSON of South Carolina, Mr. ROTHMAN of New Jersey, Ms. ROS-LEHTINEN, Mr. MANZULLO, Mr. LINCOLN DIAZ-BALART of Florida, Mr. YOUNG of Florida, Mr. LATOURETTE, Ms. GINNY BROWN-WAITE of Florida, Mr. SIMPSON, Mr. CASTLE, Ms. FOX, Mr. LOBIONDO, Mr. SCALISE, Mr. MICA, and Mr. FRELINGHUYSEN.

H. Res. 439: Mrs. MALONEY.

H. Res. 444: Ms. JACKSON-LEE of Texas, Ms. FUDGE, Ms. KAPTUR, Ms. SUTTON, and Mr. HARE.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative NYDIA VELÁZQUEZ or a designee to H.R. 2352 the Job Creation Through Entrepreneurship Act of 2009, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.